

O.I.S.  
2010-005



EDWIN M. LEE  
MAYOR

POLICE DEPARTMENT  
CITY AND COUNTY OF SAN FRANCISCO

THOMAS J. CAHILL HALL OF JUSTICE  
850 BRYANT STREET  
SAN FRANCISCO, CALIFORNIA 94103-4603



GREGORY P. SUHR  
CHIEF OF POLICE

June 15, 2011

Honorable Police Commission  
City and County of San Francisco  
850 Bryant Street, Room 505  
San Francisco, CA 94103

Re: Officer-Involved Shooting (OIS 10-005)

Dear Commissioners:

This letter is a report summarizing the investigative findings for Officer-Involved Shooting, OIS 10-005. This summary report is directed to the Police Commission pursuant to Department General Order 8.11, Section II.I.1 (Rev. Sept. 21, 2005).

After a thorough review of the incident, including the Homicide Detail investigation, the Internal Affairs Division investigation, and the charging decisions of the San Francisco District Attorney's Office, the incident is summarized as follows:

**1) Incident History Summary**

On Saturday, July 3, 2010 at approximately 01:31 hours, Officer #1 and Officer #2 were working together. Both officers were assigned to the Criminal Investigations Unit (CIU) and worked in a plain clothes capacity. Officer #2 was driving an unmarked police vehicle that was not equipped with lights and siren; Officer #1 was the passenger.

Officer #1 and Officer #2 were on the 300 block of Columbus Avenue when they both saw a group of approximately 25-30 people engaged in a verbal altercation. They could hear screaming and arguing through an open window as they were driving parallel to the crowd. They were in their unmarked police vehicle approximately fifteen feet away in the #2 lane on Columbus Avenue. Both officers believed that they were witnessing a gang-related confrontation.

Officer #1 then heard what he believed was the sound of firecrackers. Officer #1 saw Suspect #1 holding a gun and shooting it numerous times in the direction of the crowd. It appeared that Suspect #1 was with other [REDACTED] subjects.

## Officer-Involved Shooting Summary Report – OIS Case 10-005

Officer #1 saw multiple people drop onto the street. Officer #1 said he visually focused on Suspect #1 who was still holding the gun. Officer #2 also witnessed Suspect #1 shoot into the crowd. Officer #1 was seated in the police vehicle and not in a "tactical position" to stop and engage Suspect #1 as [REDACTED] was firing into the crowd. Officer #1 exited the vehicle and followed as Suspect #1 fled north on Columbus Avenue to north on Grant Avenue. Officer #2 drove north on Grant Avenue to cut off the path of escape of Suspect #1.

During his foot pursuit of Suspect #1, Officer #1 assessed the area and saw that businesses in this immediate area were closed and no other people were around. Officer #1 placed himself in a position of cover behind two vehicles at approximately [REDACTED] Grant Avenue as he saw Suspect #1 and an unknown [REDACTED] meet and start walking north on Grant Avenue. Officer #1 identified himself and ordered the subject to drop the weapon. Both Suspect #1 and the other unidentified [REDACTED] were approximately twenty feet away from Officer #1. Suspect #1 stopped walking and turned to [REDACTED] left facing Officer #1. Suspect #1 was holding the gun in [REDACTED] right hand. [REDACTED] raised the gun and pointed it in the direction of Officer #1. Officer #1 saw this action and felt that he was in serious danger. Officer #1 did not know where his partner was located. Officer #1 feared for his life, the life of his partner, and he believed that Suspect #1 had just committed numerous homicides.

Officer #1 discharged his Department-issued firearm one time at Suspect #1, but [REDACTED] was not struck. Suspect #1 was taken into custody with assistance from Officer #2. The bullet hit the wall at [REDACTED] Grant Avenue. Crime Scene Investigations later located the bullet strike to the building and found small bullet fragments a few feet away.

The description and direction of travel of other suspects fleeing east on Fresno Alley from Grant Avenue was broadcast.

Officer #3 arrived on scene and assisted in detaining Suspect #1. Suspect #2 and Suspect #3 were subsequently detained at Romolo and Fresno Alley by backup units who were monitoring the radio broadcast of the direction of fleeing suspects. Suspect #2 was found to have a bullet hole in [REDACTED] shoe but was not injured.

Officer #2 located a discarded handgun on Fresno Alley just east of Grant Avenue. The hammer was in a cocked position.

Three victims, all of whom survived, and numerous witnesses were located from the shooting that occurred on Columbus Avenue.

## 2) Criminal Investigation Summary

The location of this incident included two crime scenes: the areas of [REDACTED] Columbus Avenue and [REDACTED] Grant Avenue. The weather conditions were clear and cool. It was a Saturday night, and this area is a popular corridor for restaurants and nightlife.

Crime Scene Investigators responded to the scene and prepared a written report and diagram. Photo Lab also responded, taking photos and recording a crime scene video.

Items of evidence that were processed included the following: numerous casings and bullet fragments in the area of [REDACTED] Columbus Avenue, the discarded handgun located at Fresno Alley and Grant Avenue (a 40 Smith and Wesson caliber Sig Sauer SP 2340 semiautomatic pistol), Officer #1's handgun (a 40 Smith and Wesson caliber Sig Sauer Model P226 semiautomatic pistol), and a single casing that Officer #1 secured after his shooting.

Officer #1's pistol was examined and found to be within manufacturers specifications. The single casing secured by Officer #1 was determined to have been fired from his pistol. Based on the bullet count, a single round was expended from this firearm which was consistent with Officer #1's statement.

The bullet fragments and casings located on Columbus Avenue were determined to have been fired from the discarded above described Sig Sauer SP 2340 semiautomatic pistol found at Fresno Alley and Grant Avenue. The pistol was found to be functional. A DNA test on the firearm grip included Suspect #1 as a possible contributor to the mixture of DNA found. Suspect #2 was excluded.

Suspect #1 and #2 were arrested on counts of attempted murder, conspiracy, carrying a concealed weapon with a gang enhancement.

Suspect #3 was originally arrested for a parole violation and harboring, concealing or aiding a principal in a felony. It was later determined that this subject had no involvement in the incident.

The District Attorney's office charged Suspect #1 and this case is currently proceeding through superior court.

### Witness Statements

Witness statements were gathered during the criminal and administrative investigations. Fourteen civilian witnesses were interviewed during the criminal investigation, and this case is still proceeding through the criminal justice system. No civilian came forward who witnessed the officer-involved shooting. The focus of this

report is an administrative review of the actions of the officers involved related to the officer-involved shooting. Section #1 of this report contains information related to statements gathered during those interviews, specifically Officer #1's detailed account. A synopsis of Officer #2's statement is provided below.

### Officer #2

Officer #2 said that he was working with Officer #1 and assigned to the Criminal Investigations Unit, in a plain clothes capacity. Officer #2 said that they were on patrol in the area of Columbus Street, and he was the driver of the unmarked vehicle. While driving north on Columbus Avenue from Broadway Street, Officer #2 saw a group of people in a verbal argument. It appeared to Officer #2 that gang activity was afoot.

Suspect #1 appeared to be with several other people near [REDACTED] Columbus Avenue, arguing with another group of people. Suspect #1 pulled out a black semiautomatic handgun and began to fire the gun in the direction of a crowd of people on Columbus Avenue. Suspect #1 was backing up as [REDACTED] was shooting. Suspect #2, who was behind Suspect #1, appeared to be pulling Suspect #1 backwards. An unknown person in a white shirt with a red cloth belt appeared also to be with Suspect #1 as well.

Officer #2 said that he observed the shooting from approximately fifteen feet away. Officer #2 believed that Suspect #1 fired between four to six shots. People were running away from Suspect #1. Officer #2 said that he could not shoot at Suspect #1 because of his position with relation to his partner and bystanders. Suspect #1 made eye contact with the officers and took off running north on Columbus Avenue onto Grant Avenue.

Officer #2 said that he followed all the suspects onto Grant Avenue. As Officer #1 got out of the vehicle near the corner of Grant Avenue and Columbus Avenue, Officer #2 continued to drive up the block to cut off the suspect's escape route at Fresno Alley. Officer #2 lost sight of Officer #1 between two cars as he drove forward. Officer #2 heard Officer #1 say, "Drop the Gun." Officer #2 heard what he believed were two shots, but did not see the officer-involved shooting. Officer #2 got out of the vehicle, took Suspect #1 down to the ground, and placed [REDACTED] in handcuffs. Officer #2 heard Officer #1 say that Suspect #1 handed the gun off and the suspects were going down Fresno Alley. Officer #2 began to canvas for outstanding suspects and the firearm. Officer #2 located a discarded handgun on the ground near Fresno Alley and Grant.

Officer #2 identified Suspect #2 as the person who was pulling back on Suspect #1 during the shooting on Columbus Avenue.

### 3) Force Analysis

The following statute and Department General Order provisions were considered in the evaluation of this use of force event:

Penal Code Section 835a:

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance.

A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

Department General Order 5.01 (Use of Force) states, in part:

#### D. CATEGORIES OF FORCE TO EMPLOY (IN ASCENDING ORDER OF GRAVITY)

1. When the use of force is necessary and appropriate, officers shall, to the extent possible, utilize an escalating scale of options and not employ more forceful measures unless it is determined that a lower level of force would not be adequate, or such a level of force is attempted and actually found to be inadequate. The scale of options, in order of increasing severity, is set forth below:

- a. Verbal Persuasion
- b. Physical Control (e.g., passive resister, bent wrist control, excluding the carotid restraint)
- c. Liquid Chemical Agent (Mace/Oleoresin Capsicum)
- d. Carotid Restraint
- e. Department-Issued Baton
- f. Firearm

2 It is not the intent of the order to require officers to try each of the options before escalating to the next. Clearly, good judgment and the circumstances of each situation will dictate the level at which an officer will start. Officers using any type of force are accountable for its use.

Department General Order 5.01 continues:

#### F. CIRCUMSTANCES JUSTIFYING THE USE OF FORCE

1. Officers may use force in the performance of their duties in the following circumstances:
  - a. To prevent the commission of a public offense.
  - b. To prevent a person from injuring himself/herself.
  - c. To effect the lawful arrest/detention of persons resisting or attempting to evade that arrest/detention.
  - d. In self-defense or in the defense of another person.
2. Before using force, the officer should consider these questions:
  - a. What actions on the part of the suspect justify the use of force?
  - b. What crime is being or has been committed?
  - c. Does the situation require the immediate use of force?

Department General Order 5.02 (Use of Firearms) states, in part:

2. PERMISSIBLE CIRCUMSTANCES. Officers may discharge a firearm in any of the following circumstances:
  - a. In the necessary defense of himself/herself when the officer has reasonable cause to believe that he/she is in imminent danger of death or serious bodily injury.
  - b. In the necessary defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury.
  - c. To make an arrest when:
    - (1) The officer has reasonable cause to believe that the suspect has committed or attempted to commit a felony involving the use or threatened use of deadly force; and
    - (2) The officer has reasonable cause to believe that a substantial risk exists that the person to be arrested will cause death or serious bodily injury if his/her apprehension is delayed; and
    - (3) After all other reasonable means of apprehension and control have been exhausted.
3. VERBAL WARNING. If feasible, and if to do so would not increase the danger to the officer or others, a verbal warning to submit to the authority of the officer shall be given prior to the use of deadly force.

Officer #1 and Officer #2 witnessed a life-threatening, violent confrontation involving a firearm. Officer #1 reasonably believed Suspect #1 had just committed an aggravated assault with a firearm. Officer #1 followed Suspect #1 and ordered [REDACTED] to drop [REDACTED] firearm. Suspect #1 turned towards Officer #1 direction and raised [REDACTED] arm while holding the firearm. Officer #1 was permitted to use reasonable force to effect an arrest, defend himself, and defend others.

Based on the findings of this investigation, Officer #1 had reasonable cause to believe that he and others were facing an imminent threat of death or serious bodily injury from Suspect #1's violent actions. Additionally, Officer #1 had reasonable cause to believe that Suspect #1 committed a life-threatening crime of violence and a substantial risk existed that ■ would cause death or serious bodily injury if ■ apprehension was delayed. All other reasonable means of apprehension and control had been exhausted and verbal orders were given. Due to the speed of this rapidly unfolding event, a verbal warning did not appear feasible.

#### **4) Policy and Procedure Review**

As covered in the previous section, Department General Order 5.02, I.C.2 defines permissible circumstances in which an officer may discharge a firearm.

It was determined through this investigation that the actions of Officer #1 in response to the circumstances leading to the discharge of his firearm were appropriate and consistent with Department policy and procedure.

#### **5) Firearm Discharge Review Board Summary and Findings**

After the investigations by the Homicide unit and the Internal Affairs Division were completed, OIS 10-005 was brought before the 4<sup>th</sup> Quarter 2010 Firearm Discharge Review Board (FDRB) on December 21, 2010.

##### **a) Summary of Witness Testimony Before the FDRB**

The investigation findings in this case were presented by the IAD investigator. There was no additional witness testimony before the board for this incident.

##### **b) Summary of FDRB Discussion**

The investigative conclusions were accepted by the FDRB.

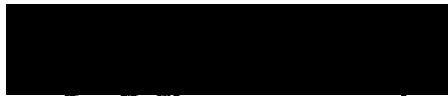
##### **c) Findings Per General Order 3.10**

After reviewing the known facts and investigative conclusions in this case, the FDRB unanimously voted to accept the recommended finding of "In Policy." Former Chief George Gascón concurred with the FDRB findings.

#### **6) Recommendations Per General Order 3.10**

There were no recommendations to policy or procedure made by the FDRB.

Sincerely,

A solid black rectangular box used to redact the signature of Gregory P. Suhr.

Gregory P. Suhr  
Chief of Police

NOT FOR PUBLIC RELEASE

Legend for 10-005

Officer #1 – John “Jay” Newman  
Officer #2 – Jon Kasper  
Officer #3 – Sam Yuen

Suspect #1 [REDACTED]  
Suspect #2 [REDACTED]  
Suspect #3 [REDACTED]



**GAVIN NEWSOM**  
MAYOR

**POLICE DEPARTMENT  
CITY AND COUNTY OF SAN FRANCISCO**

THOMAS J. CAHILL HALL OF JUSTICE  
850 BRYANT STREET  
SAN FRANCISCO, CALIFORNIA 94103-4603



**GEORGE GASCÓN**  
CHIEF OF POLICE

December 29, 2010

**The Commanding Officer of the Internal Affairs Division concur with the findings that this case be classified as indicated:**

**CATEGORY**

**OFFICER INVOLVED SHOOTING  
Inspector John Newman**

**RECOMMENDATION**

**IN POLICY**

**(No Further Action)**

*Concur 12/30/10*



**Commander D. J. Mahoney #1616**

*Reviewed 12-30-10  
Office of Chief of Staff  
Concur (100)*

**I Concur**

**I do not Concur**



**GEORGE GASCÓN**  
Chief of Police

*1/13/2011*  
Date

**I.A.D. Case No. OIS-2010-0005  
dy**

2010 DEC 30 A 11:04  
SAN FRANCISCO  
CHIEF OF POLICE

# Internal Affairs Division Case Evaluation

Evaluation by Inspector Kirk Tomioka #364

December 27<sup>th</sup>, 2010

OIS Case #2010-005 / Incident Case #100-609-942

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**Member Involved:** Inspector John Newman #1481

**Incident:** Officer Involved Shooting

**Findings:**

On Saturday July 3<sup>rd</sup>, 2010 at approximately 0131 hours, Criminal Investigations Unit (CIU) members, Inspector John Newman #1481 and Sergeant Jon Kasper #68 were in a vehicle driving north bound on the 300 block of Columbus Ave from Broadway.

Sergeant Kasper was driving an unmarked police vehicle that was not equipped with lights and siren. Inspector Newman was in the front passenger seat, and both officers were in plain clothes.

Inspector Newman and Sergeant Kasper both said that they saw between 25-30 people in a verbal argument in front of █████ Columbus Ave (Little Darlings Strip Club). Inspector Newman said that people in the argument were gang affiliated based on the following; people involved were wearing red clothing, others in blue and some were flashing gang signs.

Inspector Newman saw a unknown █████ take off █████ coat and start screaming and yelling, then he heard what he thought were firecrackers. Inspector Newman then saw a suspect identified as █████ firing a handgun randomly at people in the direction of the █████ who had taken █████ coat off.

Inspector Newman saw multiple people drop onto the ground. Inspector Newman said that he was not in a "tactical position" to stop and engage █████ who was firing into the crowd. Inspector Newman was still seated in the vehicle.

■■■■■ walked rapidly north bound on Columbus Ave towards Grant Ave, then east bound on Grant Street. Numerous people were fleeing in the same direction of ■■■■■ Inspector Newman exited the vehicle in pursuit of ■■■■■ Sergeant Kasper drove east bound on Grant Street to cut off ■■■■■ escape route.

■■■■■ appeared to be meeting up with another ■■■■■ along the building line on Grant Ave and they both continued to walk east bound on Grant Street. Inspector Newman saw a closed business in front of the suspect; Inspector Newman took a position of cover behind a parked vehicle at approximately ■■■■■ Grant Street and drew his firearm. Inspector Newman yelled twice at the suspects "San Francisco Police drop the weapon". Inspector Newman had his star displayed on his belt and his radio microphone was draped across his chest.

■■■■■ turned to ■■■ left and pointed a gun at Inspector Newman and Inspector Newman discharged his firearm at ■■■■■ Inspector Newman stated, "I knew I was in danger, I didn't know where my partner was, I feared for my life and I took one shot approximately 20 feet away".

Inspector Newman ordered ■■■■■ to get on the ground; ■■■ complied and was taken into custody. ■■■■■ was not injured. Inspector Newman discharged round hit the wall at ■■■■■ Grant Street. The other unknown ■■■■■ who was with ■■■■■ ran east bound on Grant Ave, then south bound onto Fresno.

Sergeant Kasper did not see Inspector Newman discharge his firearm, but heard one shot. Sergeant Kasper found a handgun on the ground approximately two businesses away from where Inspector Newman engaged ■■■■■

The Homicide Detail and the District Attorney's Office conducted a criminal investigation of the incident.

**The DA's Office has not reached a disposition on this incident as of this date.**

An officer involved shooting administrative investigation was conducted by Sergeant Martha Juarez #1800 of the Internal Affairs Division. Sergeant Juarez found that Officer Newman's discharge of his firearm and actions were appropriate under the circumstances and were consistent with department policy and procedure. Department General Order 5.01 (Use of Force) and 5.02 (Use of Firearm) were used to evaluate the incident.

DGO 5.02 C.2. Permissible Circumstances. Officers may discharge a firearm in any of the following circumstances:

- a. In the necessary defense of himself/herself when the officer has reasonable cause to believe that he/she is in imminent danger of death or serious bodily injury.
- b. In the necessary defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury.

**It was reasonable for Inspector Newman to discharge his firearm in self defense and others.**

Inspector John Newman's actions were consistent with Department policies and training. The Internal Affairs Division recommended findings are **In Policy**.

Inspector Newman's Internal Affairs complaint history shows no history of any prior officer involved shooting incidents.

The fourth quarter Firearms discharge Review Board reviewed this case on December 21<sup>st</sup>, 2010. Their finding was "In Policy".

**Recommendation:**       Inspector John Newman  
                                      In Policy



# San Francisco Police Department

## Employee Multiple Card Report

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**Personnel Profile:**

**Employee Name:** Newman, John D

**Sworn:** SWORN

**Agency:** San Francisco Police Department

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Case No	Case Type	Incident Date	Status	Allegation	Finding	Action	Suspension Days	Involvement
OIS-2010-0005	Officer Involved Shooting	7/3/10	Closed	Administrative Investigation	In Policy	No Further Action		Employee

# Memorandum

San Francisco Police Department



**TO:** Captain Michael Biel  
Commanding Officer  
Investigations Bureau - CIU

APPROVED

YES

NO

**FROM:** Lieutenant Robert M. Moser *RM*  
Commanding Officer  
Management Control Division

_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

**DATE:** January 14, 2011

**SUBJECT:** Disposition of I.A.D. Case OIS-2010-0005

**TYPE OF COMPLAINT:** OFFICER INVOLVED SHOOTING

**MEMBER:** Inspector John Newman #1481

---

The complaint of **OFFICER INVOLVED SHOOTING** has been classified as **IN POLICY/ NO FURTHER ACTION** by the Chief of Police.

Copy: Inspector John Newman #1481

/svt



**GAVIN NEWSOM**  
MAYOR

**POLICE DEPARTMENT  
CITY AND COUNTY OF SAN FRANCISCO**

THOMAS J. CAHILL HALL OF JUSTICE  
850 BRYANT STREET  
SAN FRANCISCO, CALIFORNIA 94103-4603



**GEORGE GASCÓN**  
CHIEF OF POLICE

December 29, 2010

The Commanding Officer of the Internal Affairs Division concur with the findings that this case be classified as indicated:

**CATEGORY**

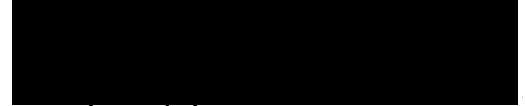
**OFFICER INVOLVED SHOOTING**  
Inspector John Newman

**RECOMMENDATION**

**IN POLICY**

(No Further Action)

*Concur 12/30/10*



Commander D. J. Mahoney #1616

*Reviewed 12-30-10*  
Office of Chief of Staff  
*Concur 100*

**I Concur**

**I do not Concur**



**GEORGE GASCON**  
Chief of Police

*Jeff Godwin*

1/13/2011  
Date

**I.A.D. Case No. OIS-2010-0005**  
dy

SAN FRANCISCO  
CHIEF OF POLICE  
2010 DEC 30 A 11:04

San Francisco Police Department



**To:** George Gascón  
Chief of Police  
San Francisco Police Department

Approved	Yes	No
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

**From:** Lieutenant Robert Moser #1434  
Commanding Officer  
Internal Affairs Division

**Date:** November 24, 2010

**Subject:** Officer-Involved Shooting Investigation

**MEMBER:** Inspector John "Jay" Newman #1481  
Criminal Investigation Unit

**TYPE OF COMPLAINT:** Administrative Investigation- Officer –  
Involved Shooting

**I.A.D.CASE NUMBER:** OIS – 10-005  
**SFPD CASE NUMBER:** 100-609-942

**DATE, TIME AND PLACE** July 3, 2010 @ 0131 hrs  
**OF OCCURRENCE:** Columbus Av. and Grant Av.

**INVESTIGATOR:** Sergeant Martha Juarez #1800

**Incident:**

On Saturday, July 3, 2010 at approximately 0131hrs, Inspector John Newman

#1481 and Sgt. John Kasper #68 were driving an unmarked police vehicle on the  
300 block of Columbus.

Both Officers are assigned to the Criminal Investigations Unit (CIU), and were in plainclothes attire. Both Officers witnessed (S) [REDACTED] firing a handgun into a crowd of people. Inspector Newman saw numerous people fall to the ground. Inspector Newman exited his vehicle, followed [REDACTED] maintaining a constant visual. Inspector Newman strategically waited for a safe area to engage [REDACTED] and yelled out twice, "Police, drop the gun!" As Inspector Newman yelled out his commands to [REDACTED] turned and faced Inspector Newman raising [REDACTED] right arm while holding a gun. Inspector Newman, recognizing the threat, fired one shot and [REDACTED] immediately dropped to the ground. [REDACTED] was not injured from the gunfire and was taken into custody.

Another subject named [REDACTED] was taken into custody and two gunshot victims were transported to San Francisco General Hospital.

Sgt. Kasper located a Sig Arms Model SP2340 .40 caliber semi-auto handgun approximately 20-30 feet from where [REDACTED] was taken into custody.

**FOCUS OF INVESTIGATION:**

Did Inspector Newman #1481 discharge his Department-issued firearm in accordance with Department policy and procedure?

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**IDENTIFIED/INVOLVED PARTIES:**

**Member:** Inspector John "Jay" Newman #1481  
SFPD - Criminal Investigation Unit

**Witness Member:** Sergeant Jon Kasper #68  
SFPD – Criminal Investigation Unit

**Suspect(s):**

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

**Witnesses (interviewed by Homicide)**

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

**Witnesses (continued)**

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
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[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Witnesses (continued)**

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

**Victim(s)**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

***INVESTIGATIVE CHRONOLOGY:***

**See Attachment A**

***INVESTIGATIVE FINDINGS:***

**Incident Overview:**

On Saturday, July 3, 2010 at approximately 0131 hours, Inspector John Newman #1481 and Sergeant Jon Kasper #68 were working together in plainclothes capacity. Both Officers are assigned to the Criminal Investigations Unit (CIU) and were working 1900-0500 hours. Sergeant Kasper was driving an unmarked Ford Taurus police vehicle that was not equipped with lights and siren; Inspector Newman was the passenger. Inspector Newman was in plainclothes attire with his Police Star visible and worn on his belt. He also had his Police microphone draped across his body, clearly visible.

Inspector Newman and Sergeant Kasper were on the 300 block of Columbus Ave when they both saw a group of 25-30 people engaged in some kind of verbal altercation.

Inspector Newman could hear screaming and arguing through his open window as they were driving parallel to the crowd. They were in their unmarked police vehicle approximately 15' away in the #2 lane on Columbus Ave. Inspector Newman thought to himself, 'Looks like there's something ready to happen' and he recalled Sergeant Kasper saying, 'What's up here?'

Inspector Newman saw an unknown [REDACTED] take off [REDACTED] coat and start screaming and yelling at another unknown person, then Newman heard what he believed were firecrackers. Inspector Newman saw a [REDACTED] later identified as suspect [REDACTED] holding a gun and shooting it numerous times in the direction of the first [REDACTED] who was standing in a crowd.

Inspector Newman saw multiple people drop onto the street and visually 'locks on' to [REDACTED] who was still holding the gun. Sgt. Kasper also witnessed [REDACTED] shoot into the crowd. Inspector Newman was seated in the police vehicle and not in a "tactical position" to stop and engage [REDACTED] as [REDACTED] was firing into the crowd. Newman exited the vehicle as [REDACTED] fled N/B Columbus Av to E/B Grant Av. Sgt. Kasper drove E/B Grant to cut off the path of escape for [REDACTED]. Inspector Newman followed [REDACTED] as [REDACTED] walked rapidly towards Grant and it appeared to Inspector Newman that [REDACTED] was about to meet up with another person waiting for [REDACTED].

During his foot pursuit of [REDACTED] Inspector Newman assessed the area and saw that businesses on the block were closed and no other persons were around.

Inspector Newman placed himself in a position of cover behind two vehicles at approximately [REDACTED] Grant Av as he saw [REDACTED] and an unknown [REDACTED] meet up and start walking east up Grant Ave. Insp. Newman yelled out twice, "San Francisco Police drop the weapon!" Both [REDACTED] and the other [REDACTED] were approximately twenty feet away from Inspector Newman. [REDACTED] stopped walking and turned to [REDACTED] left facing Inspector Newman. [REDACTED] was holding the gun in [REDACTED] right hand, raised it and pointed it in the direction of Inspector Newman. Inspector Newman saw the threat and felt he was in danger, he did not know where his partner was and he felt his life was being threatened. Inspector Newman feared for his life, the life of his partner and he "truly believed" [REDACTED] had just committed numerous homicides.

Inspector Newman discharged his Department-issued firearm at [REDACTED] once. Inspector Newman missed and [REDACTED] was not injured. The missed round hit the wall at [REDACTED] Grant St. CSI located the bullet strike to the building and found small bullet fragments a few feet away. There were no other gunshot victims from the immediate area from where Inspector Newman discharged his weapon.

Inspector Newman detained [REDACTED] and simultaneously broadcasted the description and direction of travel of two other subjects fleeing S/B on Fresno from Grant Ave.

Officer Yuen #1680 had just arrived and Insp. Newman had him detain [REDACTED] as he responded back to Columbus St to check the condition of the shooting victims. Inspector Newman located three gunshot victims (one of the gunshot victims was later identified as suspect [REDACTED] who had bullet hole in [REDACTED] shoe only) in front of the area of [REDACTED] Columbus and requested paramedics. Insp. Newman knew he had two crime scenes. The first crime scene was at [REDACTED] Columbus in front of Little Darlings strip club. The second was his crime scene where he discharged his weapon at [REDACTED] Grant Av. The first crime scene was secured by arriving police units so Insp. Newman returned to [REDACTED] Insp. Newman verified that [REDACTED] was not injured and asked if [REDACTED] needed medical attention. [REDACTED] was not injured so Insp. Newman conducted a pat search for weapons to no avail. Insp. Newman instructed Officer Yuen to place [REDACTED] into custody. Inspector Newman advised Communications that he witnessed the shooting and advised that this incident was an Officer-Involved shooting. Sergeant Kasper didn't witness Insp. Newman discharge his weapon at the subject but as he responded on foot towards Insp. Newman's location, he located a discarded firearm on Fresno St at Grant Av.

The Homicide detail booked three subjects and the found firearm which was located by Sgt. Kasper. Two victims were treated at San Francisco General Hospital for gunshot wounds and several witnesses were interviewed regarding this incident.

**Computer assisted Dispatch (DEM) Records and Recordings**

Inspector Newman wasn't able to broadcast this transmission until approximately 5-10 seconds after it had occurred.

01:31:28 (5X112)	(Insp. Newman) Broadcasts: "C/33 217 Police"
01:31:40 (5X112)	"[REDACTED] Broadway, 1 hurt in front Lil' Darling's. He gives suspect description
01:32:00 (5X112)	Requesting units to Fresno and Broadway
01:32:20 (5X112)	3A15D broadcasts two suspect descriptions
01:33:40 (5X112)	Advises there are multiple victims/Req 3 408's
01:35:00 (5X111)	(Sgt. Kasper) Advises he has the weapon
01:35:20 (5X112)	Advises this is on Officer-Involved Shooting

**Suspect Information: - Attachment F**

1. [REDACTED] - Shooter

[REDACTED]  
[REDACTED]  
[REDACTED]

Clothing description: Red baseball cap, a doo-rag underneath cap and dark pants.

**Charged:** 2cts 664/187PC, 2cts 245(a)2 PC, 182(a)PC, 186.22(a) PC and 12025(a)(1) PC.

- 2.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Clothing description: Black hooded sweatshirt and red sneakers.

**Charged:** 2cts 664/187PC, 2cts 245(a)2PC, 182(a)PC, 186.22(a) PC and 12025(a)(1) PC.

- 3.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Charged:** 32PC, and 1203.2(a) PC – it was confirmed that [REDACTED] had no involvement in the shooting.

**Homicide Witness Interviews:**

Inspectors from the Homicide Detail interviewed fourteen civilian witnesses during the course of this investigation. The synopses of these interviews are contained within their Homicide report. See Attachment G

***Newman's Internal Affairs Interview***

On July 31, 2010 at 15:30hrs, I interviewed Inspector John "Jay" Newman #1481 at the Internal Affairs Division office. Inspector Newman provided a compelled statement, and he was represented by POA Attorney Christopher Shea. Inspector Newman gave a voluntary statement to Homicide Inspectors the day after the incident. The following is a synopsis of the administrative interview. Note, there were no significant inconsistencies in the statements provided by Inspector Newman.

Inspector Newman was actively looking at a verbal altercation. Newman heard what he believed was gunfire.

*(Newman) I knew in my mind, I didn't know if [REDACTED] had just killed people. I mean, I can tell, I can.. I knew [REDACTED] shot, you know, from, from shooting a lot in my career.. at, at the police range, tactical attack, I knew [REDACTED] fired at least four to six rounds. And I knew it was a crowd, and I knew there was a lot of people there. And I didn't know if I had multiple, uh homicide victims or not. I knew I had, I had people going down and hurt.*

After hearing the gunfire,

*I kept my eye on the shooter, and I did not want to let [REDACTED] get through that crowd and get away from me. So, I kept an eye on [REDACTED]. And uh, you know, uh, just more or less*

watched [REDACTED] where [REDACTED] was going. But I also realized that I couldn't shoot into the crowd. There was too many people. Um, that I had to kind of be careful, knowing that this [REDACTED] had total disregard for life, and [REDACTED] was a continuing threat to the community, to myself, uh, Jon Kasper and to law enforcement that may be responding, as well as other citizens that were in the area that were walking down from Grant onto Columbus, not knowing what they're walking into, that this [REDACTED] posed a great threat to the community. I knew I had to take them on, and I had a short window to do it. I let [REDACTED] get out of the crowd as far as I could before I could take [REDACTED] on where I felt it was at tactical place to take [REDACTED] on.

Why did you discharge your weapon?

To stop the threat. I was shooting to stop the threat of this individual. I had just witnessed [REDACTED] shoot, not knowing the medical condition of these people. I felt that there were multiple homicides.

What were the suspect's actions after you told [REDACTED] to drop the weapon?

When I gave the order, the person that I saw fire, turned, posing the weapon to me, which I felt was a threat to me, and I shot to stop that threat. And I knew I couldn't shoot upper body, because the window and you know, there were people around, and [REDACTED] was on the

*move. It wasn't like shooting at the range. It was not a controlled shooting atmosphere. I fired one round; to stop what I thought was the threat at that immediate time. Did an assessment. There was no continuing threat. I fired one round. That's the only threat that I had and I knew that was my shooter.*

Why was there no longer a threat?

*I remember the person I saw with the firearm. [REDACTED] immediately dropped, [REDACTED] faced me, [REDACTED] was on [REDACTED] knees with [REDACTED] hands behind [REDACTED] head.*

### **Officer Training Records and Experience**

Inspector Newman was hired by the San Francisco Police Department on [REDACTED] [REDACTED] and has served this Department for 23yrs. Inspector Newman started as a patrol officer and promoted to the position of Inspector in [REDACTED] Inspector Newman worked in the General Work and Homicide Detail until his transfer to Criminal Investigations Unit (CIU) on [REDACTED].

Inspector Newman was assigned to the Crime Prevention Unit/TAC from [REDACTED]  
[REDACTED].

During his time with the Tactical Unit he participated and commanded numerous high risk search warrants and he deployed teams to respond and contain critical incidents. Inspector Newman was an Active Shooter Instructor and trained the majority of the SFPD police personnel during this year long training exercise.

Sergeant Kasper was transferred to the Criminal Investigations Unit (CIU) on [REDACTED]. Prior to this assignment, he served as a Sergeant at the Mission Station. Kasper was promoted to the rank of Sergeant on [REDACTED]. His prior assignments include Narcotics from [REDACTED] and FOB from A [REDACTED]  
[REDACTED]

#### **Training Completed since the OIS**

Inspector Newman attended the department's mandatory BSU debriefing with Sgt. Mary Dunnigan on July 3, 2010. Inspector Newman completed his Range and Force Option debrief on July 13, 2010. See Attachment H

#### **Crime Scene Investigation**

Sergeants Thomas Walsh and Paul Weggenmann from Crime Scene Investigations responded to the scene and processed the evidence.

The CSI report is attached including the sketches of the primary and secondary crime scenes. The completed report contained in this report. See Attachment O

The primary crime scene, Drawing A, depicts blood from the victims, numerous casings and bullet fragments fired from the suspects' weapon.

The secondary crime scene, Drawing B, depicts the scene as found from the officer-involved shooting. CSI found a bullet strike at [REDACTED] Grant Av, bullet fragments from the strike and a found Sig Arms pistol located at Fresno and Grant Av.

The following items were processed into evidence:

- Inspector Newman's department-issued Sig Sauer P226, with a total of 12 cartridges. 1 round expended.
- One (1) Sig Arms, Model SP2340 .40 caliber
- Photos were taken of Inspector Newman and Sergeant Kasper in their attire following the incident.

Sgt. Weggenman went to retrieve Inspector Newman's weapon and prior to handing it over to Sgt. Weggenman; Inspector Newman rendered the weapon safe.

Insp. Newman removed the magazine and locked the slide to the rear. The cartridge that came out of the weapon was also retrieved by Sgt. Weggenman. Insp. Newman handed Sgt. Weggenman the cartridge from the shot he fired. Inspector Newman stated in his Homicide interview that numerous persons were running in the area and he didn't want to lose the casing in the crowd so he had picked it up and placed it in his shirt pocket to be preserved as evidence.

Inspector Newman's weapon was loaded with 12 rounds and 11 were in the magazine. Inspector Newman had an extra magazine in his possession. All of the head stamps in Inspector Newman's weapon were identical; Winchester 40 S&W. The bullets issued at the San Francisco Police Range are Winchester 40 S&W.

The Sig Arms .40 caliber handgun recovered at the secondary crime scene by CSI after the incident had one in the chamber and two in the magazine. A partial print was located on the magazine and AFIS quality has yet to be determined.

**Crime Lab Analysis**

Inspector Newman's Department-issued .40 caliber Sig Sauer P226 serial [REDACTED] was found to be functional using the submitted magazine. The trigger pull was determined to be within manufacturer's specifications.

It was determined the casing found at Crime Scene #2 was fired from Insp. Newman's P226, but the fragments found were not.

Located at the primary crime scene, Drawing A, were four fired copper bullet jackets and six fired Smith and Wesson cartridge casings (1 Federal, 4 Remington-Peters, and 1 Winchester). All the above were fired from the found Sig Arms .40 caliber handgun.

See Attachment P

**Homicide Investigation**

The Homicide Detail of the San Francisco Police Department conducted a criminal investigation into this officer-involved shooting incident. The investigation was conducted by Inspector Gianrico Pierucci #1604 and then Inspector Joseph Engler #239. The investigation was obtained and reviewed as part of this administrative investigation.

Inspector Newman and Sergeant Kasper were interviewed by the Homicide Detail and gave voluntary statements. The transcripts of their interviews are attached to this report.

See Attachment S.

**Findings of the Office of the District Attorney**

The letter will be attached to file when received.

## **CONCLUSION:**

The following statute and Department General Order provisions should be considered in the evaluation of this investigation:

### **Penal Code Section 835a:**

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance.

A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

### **San Francisco Department General Order 5.01 (Use of Force)**

## **D. CATEGORIES OF FORCE TO EMPLOY (IN ASCENDING ORDER OF GRAVITY)**

1. When the use of force is necessary and appropriate, officers shall, to the extent possible, utilize an escalating scale of options and not employ more forceful measures unless it is determined that a lower level of force would not be adequate, or such a level of force is attempted and actually found to be inadequate. The scale of options, in order of increasing severity, is set forth below:

- a. Verbal Persuasion
- b. Physical Control (e.g., passive resister, bent wrist control, excluding the carotid restraint)
- c. Liquid Chemical Agent (Mace/Oleoresin Capsicum)
- d. Carotid Restraint
- e. Department-Issued Baton
- f. Firearm

2. It is not the intent of the order to require officers to try each of the options before escalating to the next. Clearly, good judgment and the circumstances of each situation will dictate the level at which an officer will start. Officers using any type of force are accountable for its use.

### **San Francisco General Order 5.01**

#### **F. CIRCUMSTANCES JUSTIFYING THE USE OF FORCE**

1. Officers may use force in the performance of their duties in the following circumstances:

- a. To prevent the commission of a public offense.
- b. To prevent a person from injuring himself/herself.
- c. To effect the lawful arrest/detention of persons resisting or attempting to evade that arrest/detention.
- d. In self-defense or in the defense of another person.

### **San Francisco General Order 5.02**

#### **C. DISCHARGE OF FIREARMS**

1. **REASONABLE METHODS OF APPREHENSION.** Officers shall not discharge a firearm in the performance of their duties except in the circumstances described below in Section I. C. 2. and only after all other reasonable methods and procedures of apprehension and control have failed. "Other reasonable methods and procedures of apprehension and control" shall be based upon the officer's capabilities at the time of the discharge, the nature and immediacy of the threat, the extent of the threat to innocent persons, the nature of the crime, and the suspect's reputation for violence.

2. **PERMISSIBLE CIRCUMSTANCES.** Officers may discharge a firearm in any of the following circumstances:

- a. **In the necessary defense of himself/herself when the officer has reasonable cause to believe that he/she is in imminent danger of death or serious bodily injury.**

b. **In the necessary defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury.**

c. To make an arrest when:

(1) The officer has reasonable cause to believe that the suspect has committed or attempted to commit a felony involving the use or threatened use of deadly force; and

(2) The officer has reasonable cause to believe that a substantial risk exists that the person to be arrested will cause death or serious bodily injury if his/her apprehension is delayed; and

(3) After all other reasonable means of apprehension and control have been exhausted.

d. To kill a dangerous animal or one that is so badly injured that humanity requires its removal from further suffering, and where other alternatives are impractical.

e. To give an alarm or to call for help for an urgent purpose when no other means can be used.

3. VERBAL WARNING. If feasible, and if to do so would not increase the danger to the officer or others, a verbal warning to submit to the authority of the officer shall be given prior to the use of deadly force.

4. ENDANGERING THE PUBLIC/RECKLESS DISCHARGE. Officers shall take extreme care when discharging their weapons so as not to endanger innocent persons or jeopardize property. The discharging of firearms in a reckless and irresponsible manner, or while under the influence of any substance likely to impair physical or mental processes, is prohibited and subject to disciplinary action by the Department, whether the incident occurs within or outside the City and County limits.

4. PROHIBITED CIRCUMSTANCES. Officers shall not discharge firearms under any of the following circumstances:

- a. As a warning.
- b. At or from a moving vehicle unless the circumstances come within the provisions as set forth in Section I., C., 2. a., b., c. of this order.
- c. In misdemeanor cases, except if the circumstances come within the provisions as set forth in Section I., C., 2, a., b. of this order.
- d. In circumstances that do not require police action.
- e. At a moving vehicle with the intent to disable it.

***Findings:***

**Did Inspector Newman #1481 discharge his Department-issued firearm in accordance with Department policy and procedure?**

Inspector Newman and Sergeant Kasper encountered a verbal confrontation between a group of [REDACTED] on Columbus Av and Broadway. One [REDACTED] started to discharge a firearm into the crowd and both Officers saw many persons fall to the ground and many others start running in all directions. Inspector Newman exited his vehicle to engage the suspect, all the while keeping a constant visual on the [REDACTED] who was now walking from Columbus towards Grant Av. Tactically trained, Inspector Newman was aware he couldn't take on the subject in the crowd and proceeded to follow [REDACTED] to a position where it was safe and away from the crowds.

Inspector Newman took a position of cover behind two vehicles in front of [REDACTED] Grant Av and was approximately 20 feet from the suspect when he verbally identified himself and ordered the subject to drop the gun. The subject turned and faced Inspector Newman while raising the gun with [REDACTED] right hand. Inspector Newman discharged his firearm once in defense of himself and others because he had reasonable cause to believe that he and others were in imminent danger of death or serious bodily injury.

Inspector Newman stated the single discharge caused the suspect to drop to the ground and place [REDACTED] hands behind [REDACTED] head. Neither the subject nor anyone else was injured from Inspector Newman's discharge. There was some building damage from a bullet strike located at [REDACTED] Grant Av.

It has been determined through this investigation that the discharge of the firearm was appropriate under the circumstances and was consistent with Department policy and procedure at time of discharge. The findings indicate that Inspector Newman discharged his firearm with reasonable belief that he and others were imminent danger of death or serious bodily injury.

Therefore, it is recommended that **Inspector John "Jay" Newman's actions** be deemed **In Policy**.

Investigated By:

[REDACTED]

Martha Juarez  
Sergeant

#1800

Approved By:

[REDACTED]

Robert Moser  
Lieutenant

1434

Date 11/24/10

Date 11/24/10

**RECOMMENDATION:**

Respectfully submitted for your review and approval.

**APPROVED BY:**

A black rectangular box redacting the signature of Robert Moser.

Robert Moser  
Lieutenant  
Internal Affairs Division

**Date**

11/24/10

**ATTACHMENTS:**

- A. Investigator Chronological
- B. IAD Form 83
- C. Inspector Newman's Multiple Card
- D. CAD Printout
- E. San Francisco Police Incident Report Case #100 609 942
- F. Suspect(s) Information- QRAP and Court Information
- G. Homicide Report/ Warrant Declination (when recieved)
- H. Return to Duty Panel Memo/Range Debrief/Forced Options training
- I. Preliminary Report Memo
- J. Newman's Profile photo
- K. Newman's Assignment history
- L. Newman's Training Records
- M. Partner – Sgt. Kasper Profile photo/Assignments/ Multiple card/Use of Force log
- N. Newman's IAD interview transcript
- O. Crime Scene Report
- P. Report of Crime Lab Examination
- Q. Crime Scene Photos

- R. Department General Orders 5.01, 5.02 and 8.11
- S. Placement Sketch from Homicide interview/ Newman and Kasper Homicide Transcript
- T. Victim/Suspect/Homicide/IAD taped interviews on CD/ Photos, Video and DEM Cd's

**Management Control Division**  
**CHRONOLOGICAL RECORD OF INVESTIGATION**

MCD OIS 10-005		DATE OF INCIDENT 7/3/10	DATE DEPARTMENT NOTIFIED 7/3/10
3304 DATE		DETAIL MCD	SERGEANT ASSIGNED Sgt. Martha Juarez
DATE	TIME	ACTIVITY	
7/3/10	0227	Notified by Lt. Moser regarding an OIS, [REDACTED] Broadway. Possible 3vics hits by suspect. CIU units involved Newman #1481 and Kasper. They on-view the 217 and give chase to suspect. One round shot off by unknown Officer. SIC and weapon in custody	
	0233	Contact Insp. Tomioka to assist	
	0249	Contact OPS, Officer Araujo. He briefs me regarding the incident and informs me Officer Newman fired.	
	0256	Advised Sgt. Nevin regarding OIS	
	0312	97 HOJ/pick up CAD and Officer Tomioka and respond to crime scene	
	0345	97 @ Crime Scene. Homicide Inspectors 97: Mack and Jones. Met w/Moser who updated us. 2 victs hurt/numerous witnesses. CIU's vehicle left on scene. Photo lab Gomes and CSI : Walsh and P. Weggenman / photos and video taken at scene. DAI/City Attnry office also 97	
	0500	Responded to Homicide 5 <sup>th</sup> flr/ Advised Sgt. Chris Breen, Sgt. Catanzaro and Insp. Newman that I'll be conducting Admin Investigation.	
	0530	Insp. Tomioka takes photos of Kasper and Newman of their plainclothes uniform	
	0554	Insp. Tomioka atc w/Range Master for replacement of weapons	
	0557	Per Tomioka, Officers possibly released by Homicide/ Called Sgt. Catanzaro to confirm w/410.	
	0602	Responded to DVRU where witnesses are being interviewed and met w/Insp. Pierucci and Engler. They informed me that they will be interviewing the Officers later this evening. I advised them to contact me when appt is made.	
	0609	Text'd Lt. Moser of updated situation	
	1525	Rec'd call from Insp. Pierucchi. Everyone being called back to conduct interviews	
	1532	Notified Insp. Tomioka to return for interviews	
	1537	Notified Lt. Moser via text	
	1540	Notified Sgt(s) Nevin and Jackson via text	
	1632	97 @ Homicide	
	1654	Interview begins w/Newman. Also present are Posada, DAI, Shea, POA rep, Engler, and Pierucchi. Monitoring interview is Sharon Woo, DA's office and Carlos Sanchez and myself	
	1809	Interview ends. Insp Pierucchi provides me w/initial sketch of scene// Pierucchi's cell [REDACTED] - [REDACTED] work [REDACTED]	
	1828	Updated Lt. Moser of situation	
	1853	Contact Sgt. Roscoe at Co A and requested Police report	
	1858	Rec'd fax	

**Management Control Division**  
**CHRONOLOGICAL RECORD OF INVESTIGATION**

7/6/10	0723	Faxed req for DEM radio tapes and CAD
	0726	Left vm at DEM to verify receipt of request
	0909	Called DEM and asked the call taker to expedite this request
	0928	Insp. Tomioka spoke w/Officer Bartholomew, CSI, prelim report won't be ready until tomorrow/ He also made the photo and video request.
	1130	Left vm w/Pierucchi informing him of RTD meeting scheduled 7/9/10 @ 1300hrs.
	1134	Rec'd fax report of Newman's last range qualification
	1237	Sgt. Nevin confirming OCC notified/410
07/07/10	0853	Spoke w/Sgt. Dunnigan, BSU. Kasper and Newman debriefed on July 3,2010// confirmed will be at Return to Duty
	0905	Per DEM, recordings not ready yet
	1300	Rec'd cd disk w/photos from photo lab
	1330	Met w/Pierucchi and retained the supplemental report/18 disc containing interviews w/officers, witnesses' and susps
	1445	Called the new vendor of transcripts: Star Reporting 348 0050 and per Cynthia the new place is located @ 703 Market St #1005./ Vendor to send back via email. Pierucchi's emal and my email sent for the record
	1525	Have Homicide interviews for the following persons: Newman, Kasper, [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] Total of 18 transcripts
	1530	Sgt. Nevin and Insp. Tomioka went to drop them off for processing for transcripts
07/08/10	1352	Call rec'd from DEM/ audio and CAD ready for p/u/ Insp. Tomioka and Sgt. Nevin to p/u
	1430	Rec'd audio and video disk from Homicide of video surveillance from Viva Pizza of the actual incident. Have sounds of 216/persons running/ Insp. Newman in pursuit and his 216
07/09/10	0718	Rec'd email from Star Reporting. The transcripts should be rec'd by the 19 <sup>th</sup> of July.
	1300	Return to Duty review board convened and it was unanimous to have Insp. Newman return to duty by Asst. Chief Cashman, A/C Godown, Comm. Loftus, Captain Biel, Lt. Moser, Lt. Stasko, and Sgt. Dunnigan
7/12/10	1000	Reviewing 9-1-1 tapes and Insp. Newman says he doesn't have the shooter, [REDACTED] states he has [REDACTED] detained (Note, no names are referenced) . The shooter is [REDACTED] must confirm @ admin interview.
	1454	Left vm w/Insp. Newman to schedule admin mtg.
	1500	Insp. Newman called back. He will contact his POA attrny and will att to schedule for Wednesday appt.
7/13/10	10:15	Rec'd fax of completion of forced options for Insp. Newman
	1200	Submitted preliminary report to Lt. Moser

**Management Control Division**  
**CHRONOLOGICAL RECORD OF INVESTIGATION**

7/13/10	1320	Left vm w/Pam Thompson, assistant to Director Hicks, OCC.
	1335	Rec'd fax from SF Range/ range debrief completed 7/13/10
	1342	Rec'd callback, from Ms. Thompson. Will fax copy for now then send original via regular mail// Faxed sent 1350hrs.
7/15/10	1524	Spoke w/Insp Newman, and Chris Shea will be contacting me set appt for admin mtg
7/16/10	1443	Vm left by Sgt. Nevin // Admin interview scheduled for Newman on 7/21 @ 1500hrs/ Shea's contact # [REDACTED] (cell) [REDACTED] (work).
7/19/10	1348	Left vm w/Insp. Pierucchi regarding all the transcripts arriving via email and that I've fwd'd them to his email.
7/21/10	0750	Picked up mug shots of [REDACTED] and [REDACTED] at Co B.
	1500	Newman arrived on time w/Rep. Shea. Newman picked out [REDACTED] from the mug shots and clarified the confusion on the DEM tapes. Newman had the shooter the whole time
7/27	0800	Converted digitally taped recording to disk
	1000	Dropped off the tape to StarReporting
8/9	0948	Rec'd disc back from Star Reporting and transcript via email
8/10	1318	Called Photo lab/ they have the video ready/
8/16	1040	CSI final report received// reviewed report. Only question: if item #16 possible bullet strike to wall is from Insp. Newman// will place call to Sgt. Weggenman
	1100	Left msg w/CSI to have Sgt. Weggenman call me upon his return
8/19	1535	Rec'd c/b from Sgt. Weggenman. There is no way to positively identify the bullet strike from [REDACTED] Grant is the same from Insp. Newman weapon, but there is enough fragment bullet particles to conclude that is was the shot that was fired into the tile
9/22	1523	Left msg w/Pierucchi for update on report and declination letter
9/27	1053	Left msg w/Pierucchi for status
11/16	1500	Sgt. Jackson provided me with the completed Homicide report regarding this incident
11/24	1210	Completed and submitted final report

# MANAGEMENT CONTROL DIVISION CASE

Case No.

OIS 10-005

(2) Day, Date, Time Received Saturday, July 03, 2010, 01:31 hrs.		(3) How Received <input type="checkbox"/> PERSON <input type="checkbox"/> LETTER <input type="checkbox"/> PHONE <input checked="" type="checkbox"/> SFPD	
(4) Complainant (Primary) Last Name First SFPD		(5) Complainant's Address City Zip	
(6) Complainant's Home Phone/Business Phone (including area code)		(7) CDL #, D.O.B., SS#	
(8) Complainant's (Secondary)		(9) Complainant's Address City Zip	
(10) Complainant's Home Phone/Business Phone		(11) California Driver's License/Identification Card No.	
(12) Place of Occurrence Columbus Avenue and Grant Street	District of Occurrence Central	(13) Day, Date, Time of Occurrence Saturday, July 03, 2010, 01:31 hrs.	(14) In Uniform? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK.
(15) Type of Misconduct <input checked="" type="checkbox"/> ADMIN. INVESTIGATION <input type="checkbox"/> UNNECESSARY FORCE <input type="checkbox"/> UNWARRANTED ACTIONS <input type="checkbox"/> CONDUCT UNBECOMING AN OFFICER <input type="checkbox"/> NEGLECT OF DUTY		(16) Activity Being Performed <input type="checkbox"/> Failure to Appear <input type="checkbox"/> ARREST <input type="checkbox"/> BOOKING <input type="checkbox"/> CITATION WRITING <input type="checkbox"/> CUSTODY <input type="checkbox"/> INVESTIGATION <input type="checkbox"/> OFF-DUTY <input checked="" type="checkbox"/> PATROL <input type="checkbox"/> REPORTS <input type="checkbox"/> TELEPHONE <input type="checkbox"/> TRAFFIC DIRECTION <input type="checkbox"/> SECONDARY EMPLOYMENT	
(17) Day, Date Assigned Saturday, July 03, 2010	(18) Investigation Assigned To Sergeant Martha Juarez	(19) Allegation Against <input checked="" type="checkbox"/> PERSONNEL <input type="checkbox"/> PROCEDURE <input type="checkbox"/> POLICY	
Civil Svc. Class.	Person (s) and ID or Star Number (s) Involved	Assignment/Unit Involved	
Q380	Inspector John Newman #1481	C.I.U.	

Remarks:

Referred by: Lt. R. Moser #1434

(20) NARRATIVE OF INCIDENT

On Saturday July 3, 2010 at approximately 01:31 hours, Inspector John Newman #1481 and Sergeant Jon Kasper #68 were driving an unmarked police vehicle on the 300 block of Columbus. Both members are assigned to the Criminal Investigations Unit (CIU), and they were in plainclothes attire. The officers observed a suspect firing a handgun into a crowd. Inspector Newman exited his vehicle and discharged his Department-issued firearm at the suspect. Pursuant to Department policy and procedure, and administrative investigation will be conducted.

(21) COMPLAINT TAKEN BY

**Sgt. Michael Nevin #166** *MW*

BUR/DIV/DETAIL

*MCD*

DATE/HOUR

*7-6-10 1500 hrs.*



# San Francisco Police Department

## Employee Multiple Card Report

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**Personnel Profile:**

**Employee Name:** Newman, John D

**Sworn:** SWORN

**Agency:** San Francisco Police Department

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Case No	Case Type	Incident Date	Status	Allegation	Finding	Action	Suspension Days	Involvement
OIS-2010-0005	Officer Involved Shooting	7/3/10	Closed	Administrative Investigation	In Policy	No Further Action		Employee

Tiburon/CAD

EVENT HISTORY DETAIL:

S101840251

07-06-10

SAN FRANCISCO POLICE

07:35

S101840251 A 217 500 BROADWAY,SF (D=3A KEARNY ST &amp; ROMOLO ST) A4

01:31:56 DP12 ON-VIEW 3A:P ORIGIN:UNIT  
01:31:56 DP12 PRIOR 7A YESTERDAY S3235 (12 MORE)  
01:32:07 DP16 MISC 3A, 1 IFO LITTLE DARLINGS  
01:32:20 DP16 MISC 3A, UNIT TO FRESNO TWDS BROADWAY  
01:32:23 DP08 MISC 3A, UNIT TO FRESNO TWDS BROADWAY  
01:32:23 DP15 MISC 3A, C33  
01:32:24 DP04 MISC TWDS BROADWAY  
01:32:27 DP08 MISC 1 HURT IFO LITTLE DARLING S  
01:32:29 DP16 BACK-ENR 3A 3A15D:P  
01:32:29 DP16 PERS-ID 3A15D >NAZZAL JOSHUA M/1096 <>NIELSEN RENE  
V/1882  
01:32:30 DP12 MISC 3A, FRESNO TWDS BROADWAY  
01:32:30 M119 BACK-ENR 3A15D 3B14E:P  
01:32:30 M119 PERS-ID 3B14E >TERRITO NICHOLAS J/1743 <>ROSAIA  
DANIEL P/2376  
01:32:42 DP04 MISC 3A15D, NB BROADWAY TO GRANT  
01:32:44 SU03 MISC 3A15D, & LS RUNNING NB COLUMBUS TWDS GRANT  
01:32:46 DP12 MISC 3A15D, AND LS RUNIN NB COLUMBUS TWDS GRANT  
01:32:47 DP08 MISC 3A15D ...SUSP DESC.. AND LS RUNNING NB COLUMBUS  
TWDS GRANT  
01:32:49 DP16 MISC 3A15D, NB ON COL TWDS GRANT3  
01:32:59 DP12 BACK-ENR 3A15D 3J11E:P  
01:32:59 DP12 PERS-ID 3J11E <A>BYRNE DEREK A/2281 <>OBRIEN DANIEL  
P/1427  
01:33:06 DP12 MISC 3A15D, 410 W/408  
01:33:10 SU03 MISC 3A15D, 410 408 .30  
01:33:12 DP16 BACK-ENR 3A15D 3A113:S  
01:33:12 DP16 PERS-ID 3A113 <>KNIGHT LAURA A/0010  
01:33:22 DP04 MISC 3A113, HAVE 1 VIC FRESNO BTWN ROMOLO/BROADWAY  
01:33:24 DP16 MISC 3A113, VICT AT FRESNO/BTWN BROADWAY  
01:33:25 DP08 MISC 3A113...HAS VIC FRESNO BTWN ROMO AND BROADWAY  
01:33:26 DP12 MISC 3A113, 1 VICT FRES/BROADWAY  
01:33:32 DP12 BACK-ENR 3A113 5X112:UN  
01:33:32 DP12 PERS-ID 5X112 <>NEWMAN JOHN D/1481  
01:33:35 DP08 MISC 5X112 ..OV GETTING SHOT  
01:33:38 DP04 MISC 5X112, 408...OV'D THE 217  
01:33:51 DP12 MISC 5X112, NEED 3 408'S  
01:33:51 DP15 MISC 3A, NEED 3 408'S, 3 VICTS  
01:33:53 DP04 MISC NEED 3 408S...3 VICS SO FAR  
01:33:54 DP16 MISC 5X112, 3 408'S  
01:33:59 DP08 MISC 3A, 3 408'S NEEDED  
01:34:03 DP04 MISC APPROX 20FT FROM ONE ANOTHER  
01:34:05 DP12 MISC 5X112, VICT 20 F FROM EACH OTHER  
01:34:07 DP16 MISC 5X112, ALL VICT 20 FT FROM EACH OTHER...THIS WAS OV  
01:34:08 M202 BACK-ENR 3A15D 3A13E:P  
01:34:08 M202 PERS-ID 3A13E <>LAM VIEN T/2003 <>DU MINH Q/0133  
01:34:08 DP08 MISC 3A, MULTIPLE PEOPLE DOWN  
01:34:11 DP04 MISC 5X112, 221 LS UP FRESNO  
01:34:14 DP12 MISC 5X112, 221 LS ON FRESNO  
01:34:14 DP32 SUPP AD:W91 GRANT AV , SF #W911-METRO PCS ( )  
PH: \ORIGIN:E911\TX:RP HEARD 5 SHOTS...ADV'D  
PD 97...  
01:34:16 DP15 MISC 3A, 221 LAST SEEN ON FRESNO, WE OV'D THIS  
01:34:16 DP08 MISC 3A, SHOOTER LS ON FRESNO  
01:34:17 DP16 MISC 5X112, SHOOTER LS ON FRESNO

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01:34:27 DP16 MISC 5X112, WE DET 1 W/RED CAP...  
01:34:28 DP12 MISC 5X112, SUSP [REDACTED] OR [REDACTED].. RED CAP .. UNABLE TO LOCATED GUN  
01:34:32 DP08 MISC 3A, 1 DET'D WITH RED CAP..UNABLT TO LOCATE 221..  
01:34:34 DP11 MISC GRID SEARCH  
01:34:35 DP15 MISC 3A, LOOKED LIKE A [REDACTED] OR [REDACTED], W/ RED CAP, GOTTA DO A  
GRID SEARCH FOR WEAPON  
01:34:39 DP15 MISC 3A, ANOTHER UNIT HAS THE GUN  
01:34:56 DP11 MISC SUSP HAD RED BELT HANGING DOWN FROM SHIRT  
01:34:58 DP15 MISC HAVE THE GUN HERE AT FRESNO, THE SUSP HAD A RED BELT  
HANGING DOWN FROM HIS SHIRT  
01:35:03 DP12 MISC 5X112, SUSP HAD RED BELT HANGING DOWN FROM SHIRT.. THE  
[REDACTED]  
01:35:04 DP15 MISC WE HAVE ONE [REDACTED] WHO WAS WITH THE SHOOTER DET  
01:35:15 DP04 MISC 5X112, HAVE 1 [REDACTED] WHO WAS WITH THE SHOOTER, 1 GUN  
RECOVERED  
01:35:28 DP12 MISC 5X112, 1 GUN RECOVERED.. 1 SHOOTER DET'D.. 3 408 ON  
BROADWAY.. HAVE CRIME SCENE IFO [REDACTED] COLUMBUS  
01:35:30 DP11 MISC 5X112, GOOD CRIME SCENE IFO [REDACTED] COLUMBUS  
01:35:31 DP16 MISC 5X112, 1 GUN RECOVERED...CS IFO [REDACTED] COLUMBUS  
01:35:38 DP08 MISC 3A, WAS ALSO OFFICER INVOLVED SHOOTING  
01:35:38 DP12 MISC 5X112, THIS WAS A OFFICER INVOLVED SHOOTING  
01:35:38 DP11 MISC OFFICER INVOLVED  
01:35:39 DP15 MISC 5X112, 1 GUN RECOVERED, 1 PERSON WITH THE SHOOTER DET,  
NEED 3 408'S, CRIME SCENE IFO [REDACTED] COLUMBUS, MAKE NOTIFY  
THIS WAS OFFICER INVOLVED SHOOTING  
01:35:41 DP16 MISC 5X112, OFFICER INVOLVED SHOOTING AS WELL  
01:35:41 DP12 DUP-OF 101840254 TO 101840251  
01:35:48 DP12 BACK-ONS 5X112 5X111:UN  
01:35:48 DP12 PERS-ID 5X111 [REDACTED]>KASPER JON M/0068  
01:35:55 M390 CLEAR 3J11E  
01:35:57 DP12 MISC 5X111, NEED MARKED UNIT TO FRESNO  
01:35:58 DP04 MISC 5X111, MARKED UNIT TO FRESNO TO SECURE THE FIREARM  
01:36:02 DP11 MISC 5X111, MARKED UNIT TO SECURE FIREARM ON FRESNO  
01:36:04 DP16 MISC 5X111, MARKED UNIT TO FRESNO...TO SECURE FIRE ARM  
01:36:07 DP12 MISC 3A13E, 98 TO FRENSE  
01:36:19 DP12 MISC 5X112, HAVE ALOT OF PEOPLE OUT HERE  
01:36:29 DP34 MISC 3 408'S ARE CURRENTLY ENROUTE  
01:36:35 SU03 MISC 5X112, VONG BRICC NTFY'D  
01:36:45 DP12 MISC 5X112, SAFE AVENUE OF APPORACH.. \*\*\*\*\*FROM BROADWAY  
GOING EAST \*\*\*\*  
01:37:07 DP12 MISC 5X112, SUSP [REDACTED]..RED BELT.. 1 DET'D .. 1 GUN RECOVERED  
AT FRESNO/GRANT  
01:37:16 DP16 MISC 5X112, [REDACTED] W/A RED BELT...1 HAS BEEN DET'D  
01:37:27 DP08 MISC 5X112, HAS 1 221 AT FRESNO/GRANT ...1 SUSP OUTSTANDING  
...HAD A RED BELT HANGING FROM [REDACTED] SHIRT  
01:37:51 DP12 BACK-ONS 5X112 3H12E:P, 1 MORE VICT AT KEARNY/BROADWAY  
01:37:51 DP12 PERS-ID 3H12E <[REDACTED]>CRUZ JESSE L/2326 <[REDACTED]>CHAN RODNEY/1399  
01:38:11 DP16 MISC 5X112, NOTIFY GENERAL FOR ANY WALK INS OV'D 217  
01:38:39 DP10 SUPP RP:[REDACTED]AD:WPH2-[REDACTED] KEARNY ST , SF #WPH2-CONF 597 FT,  
090 %-T-MOBILE [REDACTED]\PH:[REDACTED]-[REDACTED]\ORIGIN:E911  
TX:ANOTHER CALLER....RP SAW GRY PATHFINDER GOING ABOUT  
40 MPH IN REVERSE ON GRANT AWAY FROM COLUMBUS  
01:38:43 DP16 MISC 3H12E, ANOTHER VICT COLUMBUS/KEARNY  
01:39:17 DP04 MISC 3A13E, NEED SPANISH TRANSLATOR IFO LITTLE DARLINGS [REDACTED]  
COLUMBUS  
01:39:24 DP12 BACK-ONS 5X112 3A14E:P, NEED SPANISH TRANSLATOR OF LITTLE DARLING  
[REDACTED] COLUMBUS  
01:39:24 DP12 PERS-ID 3A14E <[REDACTED]>MURPHY JOHN E/1717 <[REDACTED]>SULLIVAN MATT  
D/1761  
01:39:37 DP16 BACK-ONS 3A 3A105:S

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01:39:37 DP16 PERS-ID 3A105 <[REDACTED]>TAKAOKA ALEX H/1260  
01:39:43 DP16 BACK-ONS 3A 3A200:S  
01:39:43 DP16 PERS-ID 3A200 <[REDACTED]>OLEARY SEAN P/1150  
01:40:16 M119 CLEAR 3B14E  
01:40:33 DP12 MISC 3A14E, WENT ON ALL FOR SPANISH SPEAKING OFFICER  
01:40:38 DP16 MISC 3A113, 408 ARE ALL 97  
01:40:40 DP12 BACK-ONS 3A14E 3A11E:P  
01:40:40 DP12 PERS-ID 3A11E <[REDACTED]>WORRELL KEVIN R/0171 <[REDACTED]>TO TINA  
T/0003  
01:40:42 SU03 CLEAR 3A  
01:40:49 DP12 MISC 3A11E, E2 E13 T2 B1 M65 M66 97  
01:41:28 DP12 BACK-ONS 3A11E 3A40D:P  
01:41:28 DP12 PERS-ID 3A40D <[REDACTED]>TIUMALU JOSH G/0199 <[REDACTED]>RITTER  
CHRISTOPHER M/2279  
01:41:46 DP12 MISC 3A40D, VICT SHOT IN THE BACK OF LEG .. TALL [REDACTED] W/PONY  
TAILY  
01:41:53 DP12 BACK-ENR 3A40D 3X301:UN  
01:41:53 DP12 PERS-ID 3X301 <[REDACTED]>FOTINOS ANTHONY J/1136  
01:41:54 DP16 MISC 3A40D, WITNESS STATES THAT VICT WAS SHOT IN THE BACK OF  
THE LEG RAN DOWN KEARNY  
01:42:10 DP12 MISC 3X301, NEED 2 OUTSIDE UNITS FOR CROWD CONTROL  
01:42:25 DP11 BACK-ENR 5X112 3E13E:P 3E14E:P  
01:42:25 DP11 PERS-ID 3E13E <[REDACTED]>BUSHNELL MICHAEL A/2290 <[REDACTED]>PETERSON  
DONN J/2289  
01:42:25 DP11 PERS-ID 3E14E <[REDACTED]>EVANS MICHAEL/1602 <[REDACTED]>CRONIN JOAN  
M/2242  
01:42:41 DP16 MISC 3A11E, CS STARTED [REDACTED] COLUMBUS  
01:42:46 DP11 MISC 3E14E, 3E107 ACK'D  
01:42:48 DP11 MISC 3E13E, 3E107 ACK'D  
01:43:11 DP12 CHGLOC 3A14E [REDACTED] COLUMBUS AV,SF, TO MAKE 909 W/WITNESS  
01:43:48 DP15 MISC VEH DESC BC'D ON ALL, LATE ENTRY  
01:43:55 SU03 CLOC-ONS 3A13E GRANT AV/FRESNO ST,SF  
01:44:01 DP12 CLOC-ONS 3A13E GRANT AV/FRESNO ST,SF  
01:44:06 DP12 MISC 3A13E, HAS GUN  
01:45:47 M193 ONSCENE 3E14E  
01:45:52 DP11 MISC PER FD CAD #30: M66, M65 & M87 CAME 97  
01:45:53 DP15 MISC CHP NOTIFIED LOG #156  
01:46:06 DP12 MISC 3H12E, [REDACTED] SHOT IN THE BACK OF THE LEG  
01:46:14 DP12 MISC 3H12E, BROADWY/KEARNY  
01:46:29 DP16 CHGLOC 3H12E BROADWAY/KEARNY ST,SF  
01:47:26 SU03 MISC OAKLAND PD NTFY'D  
01:47:41 DP16 MISC 3X301, NORTHERN UNITS TO COLUMBUS/GRANT WILL DEPLOY AS  
NEEDED  
01:47:42 DP12 MISC 3X301, NEED NORTHERN UNTI TO COLUMBUS/GRANT WILL DEPLOY  
AS NEEDED  
01:47:45 SU04 MISC DEM1 PAGE SENT  
01:50:05 DP12 BACK-ONS 3A105 3J43E:P  
01:50:05 DP12 PERS-ID 3J43E <[REDACTED]>SARCOS SONYA V/2377 <[REDACTED]>SMITH LISA  
M/2385  
01:51:18 DP16 REQCC 3A14E 100609942 assigned  
01:51:27 DP04 QUERY Q 3H12E [REDACTED] / [REDACTED] [REDACTED] [REDACTED], [REDACTED]  
01:51:35 M270 QUERY N 3A113 [REDACTED] / [REDACTED] [REDACTED] [REDACTED]  
01:52:00 DP16 MISC 3A113, ALL FOR OFFICERS OS MAKE SURE ALL PT'S OF 217  
HAVE A MEDIC  
01:52:17 DP16 MISC \*\*\*\*\*CASE NUMBER 100609942 \*\*\*\*\*  
01:52:51 M388 BACK-ENR 3J43E 3BSD:P  
01:52:51 M388 PERS-ID 3BSD [REDACTED] >HOEY-CUSTOCK SCOTT A/4063  
01:53:19 DP12 MISC 3H12E, E13 [REDACTED] BROADWAY/KEARNY  
01:53:22 DP15 MISC 3H12E, BROADWAY/KEARNY, E13 WITH PT  
01:53:34 DP11 MISC PER FD CAD #30: M66 TR'ING 1 PT TO SFGH, CODE 3... M65

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TR'ING 1 PT TO SFGH, CODE 3  
01:53:51 DP12 QUERY Q 3A40D DL [REDACTED] OM  
01:54:44 DP12 BACK-ONS 3A13E 3A32:P  
01:54:44 DP12 PERS-ID 3A32 <[REDACTED]>WEEMS R KENNETH/2042  
01:54:55 DP12 TRANSPRT 3A32 CO A, W/1  
01:55:35 DP12 QUERY Q 3A40D N [REDACTED]  
01:56:48 SU03 MISC PER E13, [REDACTED] PT WAS GRAZED IN THE ANKLE  
01:57:31 DP16 MISC 3X301, SOUTHERN SUPERVISOR TO COLUMBUS/GRANT  
01:58:28 DP16 MISC 3H12E, C33  
01:58:31 DP12 MISC 3H12E, C33  
01:58:31 DP15 MISC 3H12E, C33 HAVE VEH AT GUNPIOTIN  
01:58:32 DP11 CLOC-ONS 3H12E KEARNY ST/BROADWAY,SF  
01:58:36 DP12 CHGLOC 3H12E KEARNY ST/BROADWAY,SF  
01:58:37 DP12 ONSCENE 3H12E  
01:58:38 DP11 MISC 3H12E, SUBJ'S ARE COMPLYING  
01:58:40 DP16 MISC 3H12E, HAVE VEH KEARNY/BROADWAY  
01:58:44 SU03 MISC 3H12E, SUBJS ARE COMPLYING.. 2 AT GUNPOINT  
01:58:59 DP16 QUERY Q 3E14E LP [REDACTED]  
01:59:02 DP12 MISC 3H12E, [REDACTED]  
01:59:03 DP15 QUERY Q 3H12E LP [REDACTED]  
01:59:26 DP12 CODE-4 3E14E, 2 DET  
01:59:26 DP15 CODE-4 3E14E, 2 DET  
01:59:30 DP16 CODE-4 3E14E, 2 DET'D  
01:59:49 DP15 MISC 5X111, REQ CRIME SCENE TAPE AT KEARNY/BROADWAY, CLUBS  
ARE LETTING OUT  
01:59:56 DP16 MISC 3X301, MORE CS TAPE AT KEARNY/BROAD  
02:00:03 SU03 MISC PER 87, BROADWAY/KEARNY, PT WAS GRAZED  
02:01:01 DP16 QUERY Q 3E14E N [REDACTED]  
02:01:07 DP11 CLOC-ONS 3E14E KEARNY ST/BROADWAY,SF  
02:01:55 DP16 MISC 3E14E, UNIT ON ROMOLO?  
02:03:09 SU03 BACK-ONS 3J43E 3G15E:P  
02:03:09 SU03 PERS-ID 3G15E <[REDACTED]>JANKOVIC TOM A/0927 <[REDACTED]>CHU  
RAYMOND/1110  
02:03:23 SU03 CLOC-ONS 3G15E FRESNO ST/ROMOLO ST,SF  
02:04:49 DP16 QUERY Q 3A15D LP [REDACTED]  
02:05:05 DP16 BACK-ONS 3A15D 3A31:P  
02:05:05 DP16 PERS-ID 3A31 <[REDACTED]>MCGRATH JAMES J/0375  
02:05:32 DP16 MISC 3G15E, VEH PULLED UP AND SAID TO SUSP DET'D REAL MEN GO  
TOE TO TOE  
02:06:12 DP16 CLOC-ONS 3A31 GRANT AV/COLUMBUS AV,SF  
02:06:41 DP12 DUP-OF 101840229 TO 101840251, HAVE  
02:06:43 DP15 MISC 3A15D, HAVE ANOTHER WITNESS IFO LITTLE DARLINGS  
02:07:06 DP16 MISC 3A15D, ANOTHER WITNESS IFO LITTLE DARLINGS  
02:07:52 DP16 MISC 3A14E, 904 UNIT TO TRANSPORT WITNESSES  
02:08:37 DP16 MISC 3A14E, 3E13E WILL TAKE CARE OF THE TRANSPORT  
02:09:01 M246 QUERY H 3A11E [REDACTED]  
02:10:00 DP16 BACK-ENR 3A31 3A12E:P  
02:10:00 DP16 PERS-ID 3A12E <[REDACTED]>SHANAHAN JOHN B/1818 <[REDACTED]>BRAKEL GLENN  
R/1763  
02:10:03 M246 QUERY N 3A11E [REDACTED]  
02:10:07 DP16 CHGLOC 3A12E SFG,SF, W/VICT  
02:10:10 DP16 ONSCENE 3A12E  
02:10:11 DP12 TRANSPRT 3H12E CO A, W/217 VICT  
02:11:25 M246 QUERY N 3A11E [REDACTED] 1  
02:12:00 M246 QUERY M 3A11E V [REDACTED] 5  
02:14:11 DP16 CLOC-ONS 3J43E 318 BROADAY  
02:14:23 DP16 CHGLOC 3J43E CO A,SF, TRANSPORTING 2 WITNESSES  
02:15:13 M246 QUERY M 3A11E [REDACTED]  
02:16:14 M246 QUERY N 3A11E V [REDACTED]  
02:17:35 DP16 ONSCENE 3A14E

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02:18:20 DP16 CLOC-ONS 3E13E 308 COLUMBUS AV,SF  
02:18:54 DP16 BACK-ONS 3A14E 50105:UN  
02:19:29 SU04 MISC SSF AND DC HOSPS NOTIFIED JUST IN CASE ALSO OAK HIGHLAND  
02:41:57 DP16 BACK-ONS 3A14E 5H13:UN  
02:47:19 DP12 BACK-ONS 5H13 5H10:UN  
02:47:32 DP12 CLOC-ONS 5H10 COLUMBUS AV/BROADWAY,SF  
02:50:01 DP16 BACK-ENR 5H13 50101:UN  
02:50:57 DP12 BACK-ONS 3A13E 3A44D:P  
02:50:57 DP12 PERS-ID 3A44D >YUEN SAM W/1680  
02:51:01 DP12 CLOC-ONS 3A44D CO A  
02:52:28 DP12 PREEMPT 3E13E  
02:53:12 DP12 TRANSPRT 3E14E ROMOLO/BROADWAY, W/ SM 0.0  
02:59:06 DP12 ONSCENE 3E14E, EM 0.5 5 AGO  
02:59:21 DP12 TRANSPRT 3E14E CO A, W/ WITTNESS SM 0.0  
02:59:21 DP16 CHGLOC 50101 MEH,SF  
03:00:11 DP12 MISC 3E14E, EM 0.6  
03:00:22 DP12 ONSCENE 3E14E  
03:01:39 M169 ACKUNIT 3A15D  
03:02:36 M231 CLEAR 3J43E HAN  
03:05:08 DP12 TRANSPRT 3E14E BRO/ROM, SM 0.0 W/ FROM CO A  
03:05:23 DP12 CLEAR 3A11E HAN  
03:07:15 DP12 ONSCENE 3E14E, EM 0.3  
03:10:15 DP12 TRANSPRT 3E14E CO A, SM 0.3  
03:10:51 DP12 ONSCENE 3E14E, EM 0.6  
03:43:54 DP16 QUERY Q 3A14E DL  
03:44:12 DP16 QUERY Q 3A14E N  
04:07:11 DP16 PREEMPT 3A40D  
04:07:18 DP16 PREEMPT 3A32  
04:07:24 DP16 CLEAR 3X301  
04:13:41 DP12 CHGLOC 3E14E 850 BRYANT ST,SF, W/ WITNESS TO HOMICIDE  
04:14 ? DP12 ONSCENE 50101  
04:14 ? DP12 ONSCENE 5X112  
04:15:48 DP12 QUERY Q 3A113 LP 3  
04:27:10 DP12 BACK-ONS 3A15D 3A40D:P  
04:27:16 DP12 CLOC-ONS 3A40D BROADWAY/ROMOLO ST,SF  
04:27 ? DP12 ONSCENE 3A15D  
04:27 ? DP12 ONSCENE 3A113  
04:50:25 DP16 MISC 3A200, CRIME SCENE SECURED ALL UNITS STILL 97  
04:50:28 DP16 CLEAR 3A200  
04:58:31 DP16 MISC 3A105, ON AN ALL ANY CSI UNITS ON AIR  
05:03:45 DP16 BACK-ENR 3G15E 3A32:P  
05:03:45 DP16 PERS-ID 3A32 < >WEEMS R KENNETH/2042  
05:04:10 DP16 MISC 3A32, PICK UP CUSTODY FOR COLDSHOW  
05:15:31 DP16 CLOC-ONS 3A113 CO A  
05:21:42 DP12 CHGLOC 3A44D SFGH,SF, FROM CO A WITH SUSP FROM 217 FOR A COLDSHOW  
05:28:45 DP16 MISC 3A12E, SPANISH SPEAKING OFFICER TO 904  
05:43:11 DP16 MISC 3G15E, CENTRAL BRO/KEARNEY WITH JUMPBOX  
05:43:20 DP16 CLOC-ONS 3G15E BROADWAY/KEARNY ST,SF  
05:45:56 DP16 CHGLOC 3A32 SFGH,SF, W/2  
05:46:25 DP12 MISC 3A105, ALL THE UNITS FROM BROADWAY COLUMBUS AND GRANT ALL CLEAR.  
05:46:37 DP03 MISC 50105, SPANISH SPEAKING OFFICER AT  
05:46:42 DP12 CLOC-ONS 3A105 CO A, FU  
05:46:49 DP12 CLEAR 3A13E HAN  
05:47:02 DP12 CLEAR 3A14E HAN  
05:47:11 DP12 CLEAR 3A31 HAN  
05:47:20 DP12 CLEAR 3A40D HAN  
05:47:26 DP03 MISC 50105, 30 MINS FOR COLD SHOW...3D108 WILL CHECK DAYWATCH  
05:47:37 DP12 CLEAR 3BSD HAN

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05:47:47 DP12 CLEAR 3G15E HAN  
05:47:53 DP12 CLEAR 5H10 HAN  
05:48:03 DP12 CLEAR 5O105 HAN  
05:48:08 DP12 CLEAR 5X111 HAN  
05:48:13 DP12 CLEAR 5X112 HAN  
05:48:22 DP12 CLEAR 5H13 HAN  
05:48:32 DP12 CLEAR 3A15D HAN  
05:56:15 DP11 ONSCENE 3E14E  
05:56:20 DP11 MISC 3E14E, STILL 97  
05:58:50 DP16 BACK-ONS 3A12E 3G15E:P  
05:58:50 DP16 PERS-ID 3G15E <[REDACTED]>JANKOVIC TOM A/0927 [REDACTED]>CHU  
RAYMOND/1110  
05:58:54 DP16 CLOC-ONS 3G15E CO A, F/U  
06:06:41 DP16 MISC 3A12E, IS THERE A SPANISH SPEAKER?  
06:21:20 DP12 BACK-ENR 3E14E 3A1A:P, RELIEVING  
06:21:20 DP12 PERS-ID 3A1A <[REDACTED]>FLORES SEVERO N/1637  
06:21:37 DP16 MISC 3A12E, [REDACTED] ... STANDING BY A  
[REDACTED] ... PLS GO ON AN ALL  
EVERY 5-10 MINS FOR A TRANSLATOR  
06:25:04 DP16 MISC PER CO D, NO CERTIFIED SPANISH SPEAKING OFFICERS  
AVAILABLE ON DAY WATCH  
06:33:25 DP08 CLEAR 3H12E  
06:44:16 DP12 CHGLOC 3E14E CO E,SF  
06:52:10 DP03 BACK-ONS 3A12E 5O105:UN 3D3A:P  
06:52:10 DP03 PERS-ID 3D3A <[REDACTED]>SILVEIRA VICTOR M/1373  
06:53:38 DP15 CLEAR 3E14E HAN  
06:54:53 DP03 CLEAR 3D3A HAN  
07:13:02 DP16 TRANSFER 3G15E CDAREA:3A -->3G  
07:13:29 DP16 CHGLOC 3A32 850 BRYANT ST,SF  
07:13:45 DP16 CHGLOC 3A44D 850 BRYANT ST,SF, W/1  
07:13:52 DP16 MISC 3A32, W/2  
07:15:57 DP16 CLOC-ONS 3A12E CO A  
07:35:10 DP03 BACK-ONS 3A12E 5H10:UN  
07:35:16 DP03 CLOC-ONS 5H10 SFGH, STILL AT HOSP  
07:35:18 DP03 MISC 5H10, SPANISH SPEAKING OFFICER TO RESPOND TO [REDACTED] FOR  
[REDACTED]  
07:40:12 DP11 BACK-ENR 5H10 3E12A:P  
07:40:12 DP11 PERS-ID 3E12A <[REDACTED]>LEE MICHAEL/1643 <[REDACTED]>ALVARADO OMAR  
G/0262  
07:40:18 DP11 MISC 3E12A, 3E200 ACK  
08:34:33 M379 CLEAR 3E12A HAN  
09:01:06 DP12 ONSCENE 3A1A, STILL AT HOMICIDE PER UNIT  
09:01:46 DP12 CLEAR 3A113 HAN, PER 3A138  
09:02:01 DP12 CLEAR 3A105 HAN, PER 3A138  
09:03:50 DP12 ONSCENE 3A44D, STILL 97  
09:03:56 DP12 ONSCENE 3A32, STILL 97  
09:08:46 DP12 CLEAR 3G15E HAN, PER CO G  
09:40:10 DP12 MISC 3A12E, STATION CHECKING TO SEE IF UNIT STILL DOING TR  
09:46:01 M104 CLEAR 3A1A HAN  
09:50:13 DP03 CLEAR 5H10  
10:32:50 DP08 TRANSFER 3A12E CDAREA:3G -->3A  
12:25:03 DP12 MISC 3A32, PER 3A108 UNIT IS 7E  
12:25:22 DP12 MISC 3A32, CORRECTION: 3A138  
12:25:25 DP12 CLEAR 3A32  
13:38:12 DP12 CLEAR 3A44D  
13:38:16 DP12 CLEAR 3A12E  
15:33:05 DP16 CLEAR 5O101  
15:33:15 DP16 CLEAR 5O105  
15:33:15 DP16 CLOSE  
21:22:12 DP11 REQCC 100612274 assigned, THIS IS A CASE NUMBER FOR FELONY

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STOP C33 ON THE 217 BY 3H12E....3E14E WILL BE HANDLING  
THE REP

## Call Recap:

INITIATE:	01:31:56 07/03/10	CALL NUMBER:	#0251
ENTRY:	01:31:56	CURRENT STATUS:	CLOSED
DISPATCH:	01:31:56	PRIMARY UNIT:	3A
ON SCENE:	01:31:56	CASE NUMBER:	100609942 +
CLOSE:	15:33:15	DISPOSITION:	HAN
LOCATION:	BROADWAY, SF (D=3A KEARNY ST & ROMOLO ST)		
DAREA:	3A	TYPE:	217 SHOOTING
SECTOR:	A4	PRIORITY:	A
RA:	132B	PRIOR HISTORY	
FIRE:	1311		

## OPERATOR ASSIGNMENTS:

DP12

DP16

DP08

DP15

DP04

M119

SU03

M202

DP32

DP11

M390

DP34

DP10

M193

SU04

AS OF 01:51:27: DP04

M270

M388

M246

AS OF 03:00:11: DP12

M169

M231

AS OF 03:43:54: DP16

AS OF 04:07:11: DP16

AS OF 04:13:41: DP12

AS OF 05:21:42: DP12

AS OF 05:45:56: DP16

DP03

AS OF 05:56:15: DP11

AS OF 06:06:41: DP16

AS OF 06:33:25: DP08

AS OF 06:52:10: DP03

AS OF 06:53:38: DP15

AS OF 07:13:02: DP16

AS OF 07:35:10: DP03

AS OF 07:40:12: DP11

M379

AS OF 09:01:06: DP12

M104

AS OF 09:50:13: DP03

AS OF 10:32:50: DP08

AS OF 12:25:03: DP12

AS OF 15:33:05: DP16

AS OF 21:22:12: DP11

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## \*\*\* Appended Call History Follows:

S101840229 B 418 [REDACTED] BROADWAY,SF (D=3A MONTGOMERY ST &amp; ROWLAND ST) A4

01:19:38 DP16 ON-VIEW 3A31:P ORIGIN:UNIT  
01:19:38 DP16 PERS-ID 3A31 <[REDACTED]>MCGRATH JAMES J  
01:19:38 DP16 PRIOR 917 06/13/10 S0156 ( 2 MORE)  
01:19:40 DP16 MISC 3A31, 3 [REDACTED] S EAST ON BROADWAY...OPEN BOTTLE W/THEM  
01:20:45 DP16 MISC 3A31, UNABLE TO LOCATE...WILL KEEP LOOKING IT THE AREA  
01:20:51 DP16 FNLTYPE 3A31 finaltype:418-->917  
01:21:17 DP16 BACK-ONS 3A31 3H12E:P  
01:21:17 DP16 PERS-ID 3H12E <[REDACTED]>CRUZ JESSE L/2326 [REDACTED] CHAN RODNEY/1399  
01:21:29 DP12 MISC 3H12E, TAKING ON SUBJ  
01:21:38 DP12 BACK-ENR 3H12E 3G15E:P  
01:21:38 DP12 PERS-ID 3G15E <[REDACTED]>JANKOVIC TOM A/0927 [REDACTED] CHU  
RAYMOND/1110  
01:21:41 DP12 ONSCENE 3G15E  
01:21:46 DP16 MISC 3H12E, TAKING 3 ON  
01:22:00 DP16 MISC 3H12E, SH  
01:22:01 DP12 MISC 3H12E, SH  
01:24:11 DP16 QUERY Q 3H12E N [REDACTED] [REDACTED]  
01:37:47 DP12 MISC 3H12E, 1 MORE VICT AT KEARNY/BROADWAY  
01:37:51 DP12 PREEMPT 3H12E  
01:47:04 DP16 MISC 3G15E, OTHER VICT WAS HEADING EB BROADWAY  
01:57:57 DP16 MISC 3G15E, EB FRESNO FROM ROMOLO  
01:58:19 DP12 MISC 3G15E, BLK VICT PULLED UP MADE COMMENTS .. LS KEARNY  
TWDS BROADWAY  
01:58:20 DP16 MISC 3G15E, POSS GOING DOWN KEARNY  
02:02:45 DP16 MISC 3G15E, VEH PULLED UP AND SAID TO SUSP DET'D REAL MEN GO  
TOE TO TOE  
02:02:47 DP12 MISC 3G15E, VEH PULLED UP .. STATED "REAL MEN GO TOE TO TOE"  
AND TOOK OFF  
02:03:09 SU03 PREEMPT 3G15E  
02:03:49 DP16 MISC 3A31, WITNESS HERE..ONE SETTING UP COLD SHOW  
02:04:32 DP16 MISC 3A31, WITNESS HERE..ANYONE SETTING UP COLD SHOW  
02:05:05 DP16 PREEMPT 3A31  
02:06:23 DP12 HOLD  
02:06:41 DP12 DUP-TO 101840229 TO 101840251, HAVE

## Call Recap:

INITIATE: 01:19:38 07/03/10 CALL NUMBER: #0229  
ENTRY: 01:19:38 CURRENT STATUS: APPENDED  
DISPATCH: 01:19:38 PRIMARY UNIT: 3A31  
ON SCENE: 01:19:38 JURISDICTION: SP  
CLOSE: 02:06:41 DISPOSITION: DUP  
LOCATION: [REDACTED] BROADWAY,SF (D=3A MONTGOMERY ST & ROWLAND ST)  
DAREA: 3A  
SECTOR: A4 TYPE: 418 --> 917 SUSP PERSON  
RA: 140A PRIORITY: B  
FIRE: 1231 PRIOR HISTORY

OPERATOR ASSIGNMENTS: DP16 [REDACTED]  
DP12 [REDACTED]  
SU03 [REDACTED]

## \*\*\* Appended Call History Follows:

S101840254 A 217 [REDACTED] COLUMBUS AV,SF (D=3A GRANT AV &amp; VALLEJO ST) A3

01:32:38 DP14 ENTRY TX:RP STATES 1 PERSON SHOT...PD IS OS

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01:32:38 DP14 ZIPCODE 94133  
01:32:38 DP14 PRIOR 585 05/22/10 S4297 ( 4 MORE)  
01:33:45 DP14 SUPP RP: [REDACTED] / WINTESS\PH: [REDACTED] \TX:RP WORKS AT THE  
[REDACTED] AND WAS CLOSING THE STORE, AND SAW 10 MALES...  
01:34:05 DP14 SUPP TX:RP STATES ANOTHER [REDACTED] IAO STATES THE 10 WENT RUNNING  
ON COLUMBUS TWDS STOCKTON...  
01:34:53 DP14 SUPP TX:RP IS OK, HAS NFI  
01:34:59 DP12 MISC SUSP HAD RED BELT HANGING DOWN FROM SHIRT.. THE [REDACTED]  
01:35:41 DP12 DUP-TO 101840254 TO 101840251

## Call Recap:

INITIATE:	01:32:05 07/03/10	CALL NUMBER:	#0254
ENTRY:	01:32:38	CURRENT STATUS:	APPENDED
DISPATCH:		PRIMARY UNIT:	
ON SCENE:		JURISDICTION:	SP
CLOSE:	01:35:41	DISPOSITION:	DUP
LOCATION	[REDACTED] COLUMBUS AV, SF (D=3A GRANT AV & VALLEJO ST)		
DAREA:	3A		
SECTOR:	A3	TYPE:	217 SHOOTING
RA:	130B	PRIORITY:	A
FIRE:	1311	PRIOR HISTORY	

OPERATOR ASSIGNMENTS: DP14 [REDACTED]  
DP12 [REDACTED]

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City & County of San Francisco

Report Type: Supplemental

San Francisco Police Department  
INCIDENT REPORT

CONFIDENTIAL 00609942

100609942

Incident Number 100-609-942	Occurrence from Date/Time 7/3/10 01:31	Occurrence to Date/Time 7/3/10 10:22	Reported Date/Time 7/3/10 10:22	CAD Number
Type of Incident Assault, Aggravated, W/ Gun -04011				
Location of Occurrence Columbus Av		At Intersection with/Premise type Sidewalk		District CENT
Confidential Report? <input type="checkbox"/>	Arrest Made? <input checked="" type="checkbox"/>	Suspect Known? <input checked="" type="checkbox"/>	Suspect Unknown? <input type="checkbox"/>	Non-Suspect Incident? <input type="checkbox"/>
Domestic Violence? <input type="checkbox"/>		(Type of Weapon Used) Gun		Reporting Unit 5H13
Location Sent Columbus Av		District CENT		
How Cleared? 6	Reported to Bureau Homicide	Name Pierucci	Star 1604	Date/Time 7/3/10 01:31
Elder Victim <input type="checkbox"/>	Gang Related? <input checked="" type="checkbox"/>	Juvenile Subject? <input type="checkbox"/>	Prejudice Based? <input type="checkbox"/>	

DECLARATION	I declare under penalty of perjury, this report of <u>20</u> pages is true and correct, based on my personal knowledge, or is based on information and belief following an investigation of the events and parties involved.				
	PROP 115 CERTIFIED 5 YEAR/POST		Signature: <u>[Signature]</u> #239		
	Reporting Officer Engler, Joseph W	Star 239	Station Homicide	Watch 0900-1900	Date 7/5/10 19:06:22
	Reviewing Officer Engler, Joseph W	STAR 239	Station Homicide	Watch 0900-1900	Date 7/5/10 19:06:24
	Officer JOHN J. CLEGG #1253	STAR	Station Homicide	Watch 0900-1700	Date 7/6/10
Related Case	Related Case	Re-Assigned to HOMI	Assigned by jwe/239		
		Copies to 50200 5H200	Add'l Copies		

VICTIM	Code V 1	Name (Last, First Middle)				Alias			
	Day Phone	Type Cell	Home Address		City	State	Zip Code		
	Night Phone	Type	Work Address		City	State	Zip Code		
	DOB / Age	DOB Unk. <input type="checkbox"/>	or age between: and	Race	Sex	Height	Weight		
	Hair Color	Eye Color	ID Type	Jurisd.	ID No.				
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Star	Follow-up Form YES <input type="checkbox"/>	Statement YES <input checked="" type="checkbox"/>	Relationship to Subject Stranger/None		
	School (if Juvenile)	Injury/Treatment Treated for GSW at SF General		Other Information/If Interpreter Needed Specify Language					

BOOKED	Code B 1	Name (Last, First Middle)				ALIAS			
	Day Phone	Type	Home Address		City	State	Zip Code		
	Night Phone	Type	Work Address		City	State	Zip Code		
	DOB Unknown <input type="checkbox"/>	Date of Birth	Age	or age between and	Race	Sex	Height		
	Weight	Hair Color	Eye Color						
	SFNO	J/D# (if Juvi.)	ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number				
	Book Section #1 664/187 PC	Book Section #2 664/187 PC	Book Section #3 245(a)2 PC	Book Section #4 245(a)2 PC	Book Section #5 182(a) PC	Booking Location SF SO County Jail #1			
	Warrant #	Court #	Action #	Dept	Enroute to	CWB Check	Star		
	Warrant Violation(s)				Bail	Mirandized <input checked="" type="checkbox"/>	Star 239		
	Citation #				Violation(s)	Appear Date/Time	Location of Appearance		
Book/Cite Approval B/Insp Engler	Star 239	Mass Arrest Code	M X-Rays <input type="checkbox"/>	School (if Juvenile)	<input type="checkbox"/> CA Form Booked Copy Attached				

Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos

Add'l charges: 186.22(a) PC &amp; 12025(a)(1) PC Subject wearing black hooded sweatshirt, red sneakers

100609942

San Francisco Police Department  
ADDITIONAL REPORTEE

CONFIDENTIAL

RP CODES: F -FOUND; N -NOTIFY; P -PARENT; R -REPORTEE; V -VICTIM; W -WITNESS

I C T I M 2	Code V 2	Name (Last, First Middle) [REDACTED]						Alias			
	Day Phone [REDACTED]		Type	Home Address [REDACTED]				City [REDACTED]	State [REDACTED]	Zip Code [REDACTED]	
	Night Phone [REDACTED]		Type	Work Address [REDACTED]				City [REDACTED]	State [REDACTED]	Zip Code [REDACTED]	
	DOB/ [REDACTED]	Age [REDACTED]	DOB Unk <input type="checkbox"/>	or age between AND	Race [REDACTED]	Sex [REDACTED]	Height	Weight	Hair Color	Eye Color	ID No.
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Star	F/U Form YES <input type="checkbox"/>	Statement YES <input type="checkbox"/>	Relationship to Subject Stranger/None				
	School (if Juvenile)		Injury/Treatment				Other Information/If Interpreter Needed Specify Language				

V I C T I M 3	Code V 3	Name (Last, First Middle) [REDACTED]						ALIAS			
	Day Phone [REDACTED]		Type	Home Address [REDACTED]				City [REDACTED]	State [REDACTED]	Zip Code [REDACTED]	
	Night Phone [REDACTED]		Type	Work Address [REDACTED]				City [REDACTED]	State [REDACTED]	Zip Code [REDACTED]	
	DOB/ [REDACTED]	Age [REDACTED]	DOB Unk <input type="checkbox"/>	or age between AND	Race [REDACTED]	Sex [REDACTED]	Height	Weight	Hair Color	Eye Color	ID No.
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Star	F/U Form YES <input type="checkbox"/>	Statement YES <input checked="" type="checkbox"/>	Relationship to Subject Stranger/None				
	School (if Juvenile)		Injury/Treatment				Other Information/If Interpreter Needed Specify Language				

W I T N E S S 1	Code W 1	Name (Last, First Middle) [REDACTED]						ALIAS			
	Day Phone [REDACTED]		Type Cell	Home Address [REDACTED]				City [REDACTED]	State [REDACTED]	Zip Code [REDACTED]	
	Night Phone [REDACTED]		Type	Work Address [REDACTED]				City [REDACTED]	State [REDACTED]	Zip Code [REDACTED]	
	DOB/ [REDACTED]	Age [REDACTED]	DOB Unk <input type="checkbox"/>	or age between AND	Race [REDACTED]	Sex [REDACTED]	Height	Weight	Hair Color	Eye Color	ID No.
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Star	F/U Form YES <input type="checkbox"/>	Statement YES <input type="checkbox"/>	Relationship to Subject				
	School (if Juvenile)		Injury/Treatment				Other Information/If Interpreter Needed Specify Language				

W I T N E S S 2	Code W 2	Name (Last, First Middle) [REDACTED]						Alias			
	Day Phone [REDACTED]		Type	Work Address [REDACTED]				City [REDACTED]	State [REDACTED]	Zip Code [REDACTED]	
	Night Phone [REDACTED]		Type	WORK ADDRESS [REDACTED]				City [REDACTED]	State CA	Zip Code [REDACTED]	
	DOB/ [REDACTED]	Age [REDACTED]	DOB Unk <input type="checkbox"/>	or age between AND	Race [REDACTED]	Sex [REDACTED]	Height	Weight	Hair Color	Eye Color	ID No.
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Star	F/U Form YES <input type="checkbox"/>	Statement YES <input type="checkbox"/>	Relationship to Subject				
	School (if Juvenile)		Injury/Treatment				Other Information/If Interpreter Needed Specify Language				

SFPD377 B (03/03)

100609942

# San Francisco Police Department

## ADDITIONAL REPORTEE

CONFIDENTIAL

RP CODES: F -FOUND; N -NOTIFY; P -PARENT; R -REPORTEE; V -VICTIM; W -WITNESS

WITNESS 3	Code W 3	Name (Last, First Middle) [REDACTED]						Alias			
	Day Phone [REDACTED]		Type [REDACTED]	Home Address [REDACTED]				City [REDACTED]		State [REDACTED]	Zip Code [REDACTED]
	Night Phone [REDACTED]		Type [REDACTED]	Work Address [REDACTED]				City [REDACTED]		State [REDACTED]	Zip Code [REDACTED]
	DOB/ [REDACTED]	Age [REDACTED]	DOB Unk <input type="checkbox"/>	or age between AND	Race [REDACTED]	Sex [REDACTED]	Height [REDACTED]	Weight [REDACTED]	Hair Color [REDACTED]	Eye Color [REDACTED]	ID No. [REDACTED]
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Star [REDACTED]	F/U Form YES <input type="checkbox"/>	Statement YES <input type="checkbox"/>	Relationship to Subject				
	School (if Juvenile)		Injury/Treatment				Other Information/If Interpreter Needed Specify Language				

WITNESS 4	Code W 4	Name (Last, First Middle) [REDACTED]						ALIAS			
	Day Phone [REDACTED]		Type Cell	Home Address [REDACTED]				City [REDACTED]		State [REDACTED]	Zip Code [REDACTED]
	Night Phone [REDACTED]		Type [REDACTED]	Work Address [REDACTED]				City [REDACTED]		State [REDACTED]	Zip Code [REDACTED]
	DOB/ [REDACTED]	Age [REDACTED]	DOB Unk <input type="checkbox"/>	or age between AND	Race [REDACTED]	Sex [REDACTED]	Height [REDACTED]	Weight [REDACTED]	Hair Color [REDACTED]	Eye Color [REDACTED]	ID No. DL [REDACTED]
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Star [REDACTED]	F/U Form YES <input type="checkbox"/>	Statement YES <input type="checkbox"/>	Relationship to Subject				
	School (if Juvenile)		Injury/Treatment				Other Information/If Interpreter Needed Specify Language				

WITNESS 5	Code W 5	Name (Last, First Middle) [REDACTED]						ALIAS			
	Day Phone [REDACTED]		Type [REDACTED]	Home Address [REDACTED]				City [REDACTED]		State [REDACTED]	Zip Code [REDACTED]
	Night Phone [REDACTED]		Type [REDACTED]	Work Address [REDACTED]				City [REDACTED]		State [REDACTED]	Zip Code [REDACTED]
	DOB/ [REDACTED]	Age [REDACTED]	DOB Unk <input type="checkbox"/>	or age between AND	Race [REDACTED]	Sex [REDACTED]	Height [REDACTED]	Weight [REDACTED]	Hair Color [REDACTED]	Eye Color [REDACTED]	ID No. [REDACTED]
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Star [REDACTED]	F/U Form YES <input type="checkbox"/>	Statement YES <input type="checkbox"/>	Relationship to Subject				
	School (if Juvenile)		Injury/Treatment				Other Information/If Interpreter Needed Specify Language				

WITNESS 6	Code W 6	Name (Last, First Middle) [REDACTED]						Alias Alex			
	Day Phone [REDACTED]		Type [REDACTED]	Work Address [REDACTED]				City [REDACTED]		State [REDACTED]	Zip Code [REDACTED]
	Night Phone [REDACTED]		Type [REDACTED]	WORK ADDRESS [REDACTED]				City [REDACTED]		State [REDACTED]	Zip Code [REDACTED]
	DOB/ [REDACTED]	Age [REDACTED]	DOB Unk <input type="checkbox"/>	or age between AND	Race [REDACTED]	Sex [REDACTED]	Height [REDACTED]	Weight [REDACTED]	Hair Color [REDACTED]	Eye Color [REDACTED]	ID No. [REDACTED]
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Star [REDACTED]	F/U Form YES <input type="checkbox"/>	Statement YES <input type="checkbox"/>	Relationship to Subject				
	School (if Juvenile)		Injury/Treatment				Other Information/If Interpreter Needed Specify Language				

SFPD377 B (03/03)

100609942

# San Francisco Police Department

## ADDITIONAL REPORTEE

CONFIDENTIAL

RP CODES: F -FOUND; N -NOTIFY;P -PARENT; R -REPORTEE; V -VICTIM; W -WITNESS

WITNESS 7	Code W 7	Name (Last, First Middle) [REDACTED]						Alias				
	Day Phone [REDACTED]		Type Home	Home Address [REDACTED]				City [REDACTED]		State [REDACTED]	Zip Code [REDACTED]	
	Night Phone [REDACTED]		Type Cell	Work Address				City		State	Zip Code	
	DOB/ [REDACTED]	Age [REDACTED]	DOB Unk <input type="checkbox"/>	or age between AND		Race [REDACTED]	Sex [REDACTED]	Height	Weight	Hair Color	Eye Color	ID No.
	Confidential Person <input type="checkbox"/>		Violent Crime Notification <input type="checkbox"/>		293 PC Notification <input type="checkbox"/>		Star	F/U Form YES <input type="checkbox"/>	Statement YES <input type="checkbox"/>	Relationship to Subject		
	School (if Juvenile)		Injury/Treatment				Other Information/If Interpreter Needed Specify Language					

WITNESS 8	Code W 8	Name (Last, First Middle) Sgt Jon Kasper - SFPD ,(Unknown First Name)						ALIAS				
	Day Phone		Type	Home Address				City		State	Zip Code	
	Night Phone		Type	Work Address 850 Bryant Street - CIU				City San Francisco		State CA	Zip Code	
	DOB/ [REDACTED]	Age [REDACTED]	DOB Unk <input type="checkbox"/>	or age between AND		Race	Sex	Height	Weight	Hair Color	Eye Color	ID No.
	Confidential Person <input type="checkbox"/>		Violent Crime Notification <input type="checkbox"/>		293 PC Notification <input type="checkbox"/>		Star	F/U Form YES <input type="checkbox"/>	Statement YES <input type="checkbox"/>	Relationship to Subject		
	School (if Juvenile)		Injury/Treatment				Other Information/If Interpreter Needed Specify Language					

WITNESS 9	Code W 9	Name (Last, First Middle) Insp John Newman- SFPD ,(Unknown First Name)						ALIAS				
	Day Phone		Type	Home Address				City		State	Zip Code	
	Night Phone		Type	Work Address 850 Bryant Street - CIU				City San Francisco		State CA	Zip Code	
	DOB/ [REDACTED]	Age [REDACTED]	DOB Unk <input type="checkbox"/>	or age between AND		Race	Sex	Height	Weight	Hair Color	Eye Color	ID No.
	Confidential Person <input type="checkbox"/>		Violent Crime Notification <input type="checkbox"/>		293 PC Notification <input type="checkbox"/>		Star	F/U Form YES <input type="checkbox"/>	Statement YES <input type="checkbox"/>	Relationship to Subject		
	School (if Juvenile)		Injury/Treatment				Other Information/If Interpreter Needed Specify Language					

	Code	Name (Last, First Middle)						Alias				
	Day Phone		Type	Work Address				City		State	Zip Code	
	Night Phone		Type	WORK ADDRESS				City		State	Zip Code	
	DOB/ [REDACTED]	Age [REDACTED]	DOB Unk <input type="checkbox"/>	or age between AND		Race	Sex	Height	Weight	Hair Color	Eye Color	ID No.
	Confidential Person <input type="checkbox"/>		Violent Crime Notification <input type="checkbox"/>		293 PC Notification <input type="checkbox"/>		Star	F/U Form YES <input type="checkbox"/>	Statement YES <input type="checkbox"/>	Relationship to Subject		
	School (if Juvenile)		Injury/Treatment				Other Information/If Interpreter Needed Specify Language					

SFPD377 B (03/03)

100609942

San Francisco Police Department  
ADDITIONAL SUSPECTS

CONFIDENTIAL

BOOKED 2	CODE B 2	Name (Last, First Middle) [REDACTED]				Alias				
	Day Phone	Type	Home Address [REDACTED]			City [REDACTED]	State [REDACTED]	Zip Code		
	Night Phone	Type	Work Address [REDACTED]			City [REDACTED]	State [REDACTED]	Zip Code		
	School (if Juvenile)		Race [REDACTED]	Sex [REDACTED]	DOB Unknown <input type="checkbox"/>	DOB [REDACTED]	Height [REDACTED]	Weight [REDACTED]	Hair Color [REDACTED]	Eye Color [REDACTED]
	SFNO [REDACTED]	J/D# (if Juv.) [REDACTED]	ID No. [REDACTED]		ID No. [REDACTED]		ID No. [REDACTED]			
	Book/Charge 1 664/187 PC	Book/Charge 2 664/187 PC	Book/Charge 3 245(a)1 PC	Book/Charge 4 245(a)1 PC	Book/Charge 5 182(a) PC	Where Booked SFSO County Jail #1				
	Warrant #	Court #	Action #	Dept	Enroute To		CWB Check Vic	Star 64		
	Warrant Violation(s)				Bail	Mirandized <input checked="" type="checkbox"/>	Star 239	Date/Time	Statement <input checked="" type="checkbox"/>	
	Citation #	Violation(s)				Appear Date/Time	Location of Appearance			
	Book/Cite Approval Insp Engler	Star 239	Mass Arrest Code	M X-Rays <input type="checkbox"/>						
Other Information: Citation/Warrant/Booking Charge(s)/Missing Persons-Subject Description/Scars, Marks, Tatoos Addl charges: 186.22a PC & 12022.53 PC Subject wearing red colored Cincinnati Reds cap										
BOOKED 3	CODE B 3	Name (Last, First Middle) [REDACTED]				Alias				
	Day Phone	Type Cell	Home Address [REDACTED]			City [REDACTED]	State [REDACTED]	Zip Code		
	Night Phone	Type	Work Address [REDACTED]			City [REDACTED]	State [REDACTED]	Zip Code		
	School (if Juvenile)		Race [REDACTED]	Sex [REDACTED]	DOB Unknown <input type="checkbox"/>	DOB [REDACTED]	Height [REDACTED]	Weight [REDACTED]	Hair Color [REDACTED]	Eye Color [REDACTED]
	SFNO [REDACTED]	J/D# (if Juv.) [REDACTED]	ID No. [REDACTED]		ID No. [REDACTED]		ID No. [REDACTED]			
	Book/Charge 1 32 PC	Book/Charge 2 1203.2(a) PC	Book/Charge 3	Book/Charge 4	Book/Charge 5	Where Booked SFSO County Jail #1				
	Warrant #	Court #	Action #	Dept	Enroute To		CWB Check David	Star 50		
	Warrant Violation(s)				Bail	Mirandized <input checked="" type="checkbox"/>	Star 239	Date/Time	Statement <input checked="" type="checkbox"/>	
	Citation #	Violation(s)				Appear Date/Time	Location of Appearance			
	Book/Cite Approval B/Insp Engler	Star 239	Mass Arrest Code	M X-Rays <input type="checkbox"/>						
Other Information: Citation/Warrant/Booking Charge(s)/Missing Persons-Subject Description/Scars, Marks, Tatoos [REDACTED] [REDACTED], on Felony Probation [REDACTED] for 12020(A)(1) PC										
PVT PERSON ARREST	<input type="checkbox"/> ORIGINAL PRIVATE PERSON'S ARREST FORM BOOKED AS EVIDENCE. PHOTOCOPY ATTACHED WITH THIS REPORT.									
PVT PERSON ARREST	<input type="checkbox"/> ORIGINAL PRIVATE PERSON'S ARREST FORM BOOKED AS EVIDENCE. PHOTOCOPY ATTACHED WITH THIS REPORT.									

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E 1	Code/No EVD 1	Item Description Baseball cap				Brand		Model	
	Serial No.		Gun Make	Caliber	Color BLK	Narcotics Lab No.	Quantity 1	Value	
	Seized by (Star) 1789		From Where from (B3) [REDACTED]						
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp Mack at Co. B								
E 2	Code/No EVD 2	Item Description Jeans				Brand Ed Hardy		Model	
	Serial No.		Gun Make	Caliber	Color BLU	Narcotics Lab No.	Quantity 1	Value	
	Seized by (Star) 1789		From Where from (B3) [REDACTED]						
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp Mack at Co. B								
E 3	Code/No EVD 3	Item Description Jacket				Brand Ecko Unlimited		Model	
	Serial No.		Gun Make	Caliber	Color BLK	Narcotics Lab No.	Quantity 1	Value	
	Seized by (Star) 1789		From Where from (B3) [REDACTED]						
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp Mack at Co. B; jacket was white and black colored								
E 4	Code/No EVD 4	Item Description Tennis shoes				Brand US Polo Brand		Model	
	Serial No.		Gun Make	Caliber	Color WHI	Narcotics Lab No.	Quantity 1 pair	Value	
	Seized by (Star) 1789		From Where from (B3) [REDACTED]						
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp Mack at Co. B								
E 5	Code/No EVD 5	Item Description t-shirt				Brand		Model	
	Serial No.		Gun Make	Caliber	Color WHI	Narcotics Lab No.	Quantity 1	Value	
	Seized by (Star) 1789		From Where from (B3) [REDACTED]						
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp Mack at Co. B								
E 6	Code/No EVD 6	Item Description socks				Brand		Model	
	Serial No.		Gun Make	Caliber	Color WHI	Narcotics Lab No.	Quantity 1 pair	Value	
	Seized by (Star) 1789		From Where from (B3) [REDACTED]						
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp Mack at Co. B								
E 7	Code/No EVD 7	Item Description cell phone				Brand Samsung		Model SCH-R450	
	Serial No. FCCID [REDACTED]		Gun Make	Caliber	Color RED	Narcotics Lab No.	Quantity 1	Value	
	Seized by (Star) 1789		From Where from vehicle of (B3) [REDACTED]						
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp Engler at Co. B; phone red and black								

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E	Code/No EVD 8	Item Description cell phone				Brand Huawei	Model M750	
8	Serial No. [REDACTED]	Gun Make	Caliber	Color BLK	Narcotics Lab No.	Quantity 1	Value	
	Seized by (Star) 239	From Where from (B3) [REDACTED]						
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp. Engler at Co. B							
E	Code/No EVD 9	Item Description cell phone				Brand Samsung	Model 9CH-R380	
9	Serial No. [REDACTED]	Gun Make	Caliber	Color BLK	Narcotics Lab No.	Quantity 1	Value	
	Seized by (Star) 239	From Where from (B2) [REDACTED]						
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp Engler at Co. B along with data transfer cord; black and grey colored Samsung Metro PCS phone							
E	Code/No EVD 10	Item Description Oral DNA Swab				Brand	Model	
10	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity 1	Value	
	Seized by (Star) 483	From Where from (B3) [REDACTED]						
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp Jones at Co. B							
E	Code/No EVD 11	Item Description Oral DNA Swab				Brand	Model	
11	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity 1	Value	
	Seized by (Star) 483	From Where from (B1) [REDACTED]						
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp. Jones at Co. B							
E	Code/No EVD 12	Item Description Oral DNA Swab				Brand	Model	
12	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity 1	Value	
	Seized by (Star) 1604	From Where from (B3) [REDACTED]						
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp Jones at Co. B							
E	Code/No EVD 13	Item Description jeans				Brand ecko	Model	
13	Serial No.	Gun Make	Caliber	Color BLK	Narcotics Lab No.	Quantity 1 pair	Value	
	Seized by (Star) 1789	From Where from (B2) [REDACTED]						
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp Mack at Homicide							
E	Code/No EVD 14	Item Description t-shirt				Brand	Model	
14	Serial No.	Gun Make	Caliber	Color WHI	Narcotics Lab No.	Quantity 1	Value	
	Seized by (Star) 1789	From Where from (B2) [REDACTED]						
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp Mack at Homicide							

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E	Code/No EVD 15	Item Description t-shirt				Brand	Model	
1	Serial No.	Gun Make	Caliber	Color BLK	Narcotics Lab No.	Quantity 1	Value	
5	Seized by (Star) 1789 From Where from (B2) [REDACTED] Additional Description/Identifying Numbers Booked 7-3-2010 by Insp Mack at Homicide							
E	Code/No EVD 16	Item Description shorts				Brand	Model	
1	Serial No.	Gun Make	Caliber	Color RED	Narcotics Lab No.	Quantity 1	Value	
6	Seized by (Star) 1789 From Where from (B2) [REDACTED] Additional Description/Identifying Numbers Booked 7-3-2010 by Insp Mack at Homicide; black and red colored							
E	Code/No EVD 17	Item Description hooded sweatshirt				Brand	Model	
1	Serial No.	Gun Make	Caliber	Color BLK	Narcotics Lab No.	Quantity 1	Value	
7	Seized by (Star) 1789 From Where from (B2) [REDACTED] Additional Description/Identifying Numbers Booked 7-3-2010 by Insp Mack at Homicide							
E	Code/No EVD 18	Item Description new baseball cap				Brand Cinn. Reds	Model	
1	Serial No.	Gun Make	Caliber	Color RED	Narcotics Lab No.	Quantity 1	Value	
3	Seized by (Star) 1789 From Where from (B2) [REDACTED] Additional Description/Identifying Numbers Booked 7-3-2010 by Insp Mack at Homicide							
E	Code/No EVD 19	Item Description shoes				Brand Nike	Model	
1	Serial No.	Gun Make	Caliber	Color BLK	Narcotics Lab No.	Quantity 1 pair	Value	
9	Seized by (Star) 1789 From Where from (B2) [REDACTED] Additional Description/Identifying Numbers Booked 7-3-2010 by Insp. Mack at Homicide							
E	Code/No EVD 20	Item Description gold colored teeth mouthpieces				Brand	Model	
2	Serial No.	Gun Make	Caliber	Color GLD	Narcotics Lab No.	Quantity 2	Value	
0	Seized by (Star) 1789 From Where from (B2) [REDACTED] Additional Description/Identifying Numbers Booked 7-3-2010 by Insp. Mack at Homicide							
E	Code/No EVD 21	Item Description earring				Brand	Model	
2	Serial No.	Gun Make	Caliber	Color SIL	Narcotics Lab No.	Quantity 1	Value	
4	Seized by (Star) 1789 From Where from (B2) [REDACTED] Additional Description/Identifying Numbers Booked 7-3-2010 by Insp. Mack at Homicide; silvered colored metal with clear stone setting							

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E	Code/No EVD 22	Item Description t-shirts				Brand	Model	
2	Serial No.	Gun Make	Caliber	Color BLK	Narcotics Lab No.	Quantity 2	Value	
2	Seized by (Star) 1789	From Where from (B1) [REDACTED]						
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp Mack at Homicide							
E	Code/No EVD 23	Item Description hooded sweatshirt				Brand	Model	
2	Serial No.	Gun Make	Caliber	Color BLK	Narcotics Lab No.	Quantity 1	Value	
3	Seized by (Star) 1789	From Where from (B1) [REDACTED]						
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp. Mack at Homicide							
E	Code/No EVD 24	Item Description jeans with red trim embroidering				Brand	Model	
2	Serial No.	Gun Make	Caliber	Color BLK	Narcotics Lab No.	Quantity 1	Value	
4	Seized by (Star) 1789	From Where from (B1) [REDACTED]						
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp. Mack at Homicide							
E	Code/No EVD 25	Item Description knit watch cap				Brand	Model	
2	Serial No.	Gun Make	Caliber	Color BLK	Narcotics Lab No.	Quantity 1	Value	
5	Seized by (Star) 1789	From Where from (B1) [REDACTED]						
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp. Mack at Homicide							
E	Code/No EVD 26	Item Description Tennis shoe				Brand Nike	Model	
2	Serial No.	Gun Make	Caliber	Color RED	Narcotics Lab No.	Quantity 1	Value	
6	Seized by (Star) 1789	From Where from (b1) [REDACTED]						
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp. Mack at Homicide							
E	Code/No EVD 27	Item Description sock				Brand	Model	
2	Serial No.	Gun Make	Caliber	Color WHI	Narcotics Lab No.	Quantity 1	Value	
7	Seized by (Star) 1789	From Where from (B1) [REDACTED]						
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp Mack at Homicide							
E	Code/No EVD 28	Item Description hooded jacket				Brand	Model	
2	Serial No.	Gun Make	Caliber	Color BLK	Narcotics Lab No.	Quantity 1	Value	
3	Seized by (Star) 1789	From Where from (V1) [REDACTED]						
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp. Mack at Homicide							

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E 2 9	Code/No EVD 29	Item Description torn clothing				Brand		Model	
	Serial No.		Gun Make	Caliber	Color GRN	Narcotics Lab No.		Quantity 1	Value
	Seized by (Star) 1789		From Where from (V1) [REDACTED]						
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp Mack at Homicide; gren and red piece of torn clothing								
E 3 0	Code/No EVD 30	Item Description knit watch cap				Brand		Model	
	Serial No.		Gun Make	Caliber	Color BLK	Narcotics Lab No.		Quantity 1	Value
	Seized by (Star) 1789		From Where from (V1) [REDACTED]						
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp Mack at Homicide								
E 3 1	Code/No EVD 31	Item Description socks				Brand		Model	
	Serial No.		Gun Make	Caliber	Color WHI	Narcotics Lab No.		Quantity 1 pair	Value
	Seized by (Star) 1789		From Where from (V1) [REDACTED]						
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp. Mack at Homicide								
E 3 ?	Code/No EVD 32	Item Description t-shirts				Brand		Model	
	Serial No.		Gun Make	Caliber	Color BLK	Narcotics Lab No.		Quantity 2	Value
	Seized by (Star) 1789		From Where from (V1) [REDACTED]						
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp. Mack at Homicide								
E 3 3	Code/No EVD 33	Item Description shorts				Brand		Model	
	Serial No.		Gun Make	Caliber	Color RED	Narcotics Lab No.		Quantity 1 pair	Value
	Seized by (Star) 1789		From Where from (V1) [REDACTED]						
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp. Mack at Homicide								
E 3 4	Code/No EVD 34	Item Description jeans				Brand		Model	
	Serial No.		Gun Make	Caliber	Color BLU	Narcotics Lab No.		Quantity 1 pair	Value
	Seized by (Star) 1789		From Where from (V1) [REDACTED]						
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp. Mack at Homicide								
E 3 5	Code/No EVD 35	Item Description nylon belt				Brand		Model	
	Serial No.		Gun Make	Caliber	Color RED	Narcotics Lab No.		Quantity 1	Value
	Seized by (Star) 1789		From Where from (V1) [REDACTED]						
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp Mack at Homicide								

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E	Code/No EVD 36	Item Description tennis shoes				Brand Nike	Model	
3	Serial No.	Gun Make	Caliber	Color RED	Narcotics Lab No.	Quantity 1 pair	Value	
5	Seized by (Star) 1789	From Where from (V1) [REDACTED]						
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp Mack at Homicide							
E	Code/No EVD 37	Item Description keys				Brand	Model	
3	Serial No.	Gun Make	Caliber	Color COM	Narcotics Lab No.	Quantity 5	Value	
7	Seized by (Star) 1789	From Where from (V1) [REDACTED] rt frt jeans pkt						
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp Mack at Homicide							
E	Code/No EVD 38	Item Description Paystub				Brand	Model	
3	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity 1	Value	
8	Seized by (Star) 1789	From Where from (V1) [REDACTED]						
	Additional Description/Identifying Numbers Booked by 7-3-2010 by Insp Mack at Homicide							
E	Code/No EVD 39	Item Description Paper Bag containing [REDACTED] clothing from SFGH				Brand	Model	
3	Serial No.	Gun Make	Caliber	Color BRO	Narcotics Lab No.	Quantity 1	Value	
3	Seized by (Star) 1789	From Where from (V1) [REDACTED]						
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp Mack at Homicide							
E	Code/No EVD 40	Item Description 49er T-shirt				Brand	Model	
4	Serial No.	Gun Make	Caliber	Color RED	Narcotics Lab No.	Quantity 1	Value	
0	Seized by (Star) 1789	From Where from (V2) [REDACTED]						
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp Mack at Homicide; black and red colored							
E	Code/No EVD 41	Item Description shorts				Brand	Model	
4	Serial No.	Gun Make	Caliber	Color GRY	Narcotics Lab No.	Quantity 1	Value	
1	Seized by (Star) 1789	From Where from (V2) [REDACTED]						
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp. Mack at Homicide							
E	Code/No EVD 42	Item Description shorts				Brand	Model	
4	Serial No.	Gun Make	Caliber	Color BLK	Narcotics Lab No.	Quantity 1	Value	
3	Seized by (Star) 1789	From Where from (V2) [REDACTED]						
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp Mack at Homicide							

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E	Code/No EVD 43	Item Description torn jeans				Brand		Model	
4	Serial No.	Gun Make	Caliber	Color BLK	Narcotics Lab No.	Quantity 1 pair	Value		
3	Seized by (Star) 1789	From Where from (V2) [REDACTED]							
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp Mack at Homicide								
E	Code/No EVD 44	Item Description belt				Brand		Model	
4	Serial No.	Gun Make	Caliber	Color BLK	Narcotics Lab No.	Quantity 1	Value		
4	Seized by (Star) 1789	From Where from (V2) [REDACTED]							
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp Mack at Homicide								
E	Code/No EVD 45	Item Description knit watch cap				Brand		Model	
4	Serial No.	Gun Make	Caliber	Color BLK	Narcotics Lab No.	Quantity 1	Value		
5	Seized by (Star) 1789	From Where from (V2) [REDACTED]							
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp Mack at Homicide								
E	Code/No EVD 46	Item Description knit gloves				Brand		Model	
4	Serial No.	Gun Make	Caliber	Color BLK	Narcotics Lab No.	Quantity 1 pair	Value		
3	Seized by (Star) 1789	From Where from (V2) [REDACTED]							
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp Mack at Homicide								
E	Code/No EVD 47	Item Description tennis shoes				Brand Converse		Model	
4	Serial No.	Gun Make	Caliber	Color BLK	Narcotics Lab No.	Quantity 1 pair	Value		
7	Seized by (Star) 1789	From Where from (V2) [REDACTED]							
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp Mack at Homicide; black and white, colored								
E	Code/No EVD 48	Item Description socks				Brand		Model	
4	Serial No.	Gun Make	Caliber	Color WHI	Narcotics Lab No.	Quantity 1 pair	Value		
8	Seized by (Star) 1789	From Where from (V2) [REDACTED]							
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp Mack at Homicide								
E	Code/No EVD 49	Item Description hooded sweatshirt				Brand		Model	
4	Serial No.	Gun Make	Caliber	Color RED	Narcotics Lab No.	Quantity 1	Value		
3	Seized by (Star) 1789	From Where from (V2) [REDACTED]							
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp Mack at Homicide								

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E 5 7	Code/No EVD 50	Item Description Paper bag containing clothing from SFGH				Brand		Model	
	Serial No.	Gun Make	Caliber	Color BRO	Narcotics Lab No.	Quantity 1	Value		
	Seized by (Star) 1789	From Where from (V2) [REDACTED]							
	Additional Description/Identifying Numbers Booked 7-3-2010 by Insp Mack at Homicide								
	Code/No	Item Description				Brand		Model	
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value		
	Seized by (Star)	From Where							
	Additional Description/Identifying Numbers								
	Code/No	Item Description				Brand		Model	
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value		
	Seized by (Star)	From Where							
	Additional Description/Identifying Numbers								
	Code/No	Item Description				Brand		Model	
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value		
	Seized by (Star)	From Where							
	Additional Description/Identifying Numbers								
	Code/No	Item Description				Brand		Model	
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value		
	Seized by (Star)	From Where							
	Additional Description/Identifying Numbers								
	Code/No	Item Description				Brand		Model	
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value		
	Seized by (Star)	From Where							
	Additional Description/Identifying Numbers								

## Narrative Supplemental Report:

On Saturday, July 3, 2010 at the Hall of Justice located at 850 Bryant Street, 4th Floor, several follow-up interviews were conducted by Inspectors Gianrico Pierucci #1604 and Joseph Engler #239 and District Attorney Investigator Jim Posada regarding the early morning shooting of three persons on the sidewalk in front of the Little Darlings Strip Club located at [REDACTED] Columbus Avenue, San Francisco.

This report summarizes the content of those interviews and the identification of (B1) [REDACTED] (B2) [REDACTED] and (B3) [REDACTED] as the suspects involved in the shooting and flight from the scene prior to their apprehension by responding officers.

## Statement of (B1) [REDACTED]

On Saturday, July 3, 2010 at 1305 hours, Inspectors Joseph Engler and Gianrico Pierucci and District Attorney Investigator Jim Posada interviewed [REDACTED] following [REDACTED] waiver of [REDACTED] Miranda Advisement by Inspector Engler.

[REDACTED] said that [REDACTED] had been shot in the sole of [REDACTED] shoe because [REDACTED] was hanging out in the wrong place at the wrong time and that [REDACTED] had been screaming, "I have been shot. I have been shot!" while at the scene.

[REDACTED] said that [REDACTED] doesn't know why [REDACTED] was shot in the foot, that [REDACTED] had been hanging out talking to a [REDACTED] when some guys had become involved in an argument nearby and then there were shots fired "Boom. Boom. Boom." [REDACTED] said that [REDACTED] was hanging out with [REDACTED] "homies," including "[REDACTED]" who is from [REDACTED]. [REDACTED] said that [REDACTED] can't tell me where to find [REDACTED] because [REDACTED] doesn't know where [REDACTED] lives and that, if [REDACTED] did, [REDACTED] wouldn't tell.

[REDACTED] denies knowing why the shooting had occurred. [REDACTED] claimed that the shooting happened too fast. [REDACTED] acknowledged that there was some sort of beef, but said that [REDACTED] was distracted because [REDACTED] was talking [REDACTED] when the shooting occurred.

[REDACTED] said that [REDACTED] had seen "[REDACTED]" after the shooting and they were running up the hill in the alley where [REDACTED] had been shot at. [REDACTED] acknowledged meeting [REDACTED] (B3 - [REDACTED]) more than two times a long time ago when they had been introduced to one another through [REDACTED] who knew one another. When asked for additional information regarding their relationship with one another, [REDACTED] said that [REDACTED] "felt uncomfortable" and wanted an attorney, ending the interview.

[REDACTED] was wearing a black hooded sweatshirt, jeans and solid red tennis shoes. The clothing was seized and booked by Inspector Lawrence Mack prior to [REDACTED] being booked at the Homicide Detail for later transfer to the Property Control Section of the SFPD. [REDACTED] was then booked at County Jail #1 for the listed charges.

## Statement of (B2) [REDACTED]

On Saturday, July 3, 2010 at 1359 hours, Inspectors Joseph Engler and Gianrico Pierucci and District Attorney Investigator Jim Posada interviewed [REDACTED] following [REDACTED] implied waiver of [REDACTED] Miranda Advisement by Inspector Engler after stating that [REDACTED] understood [REDACTED] rights.

[REDACTED] was asked by Inspector Engler if [REDACTED] knew the identity of the [REDACTED] who had pointed a sawed

off shotgun at [REDACTED] earlier in the night. [REDACTED] answered by stating the following:

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"You guys are saying that I am the shooter, right? But don't you think that if I was the shooter, right, right after that shit happened and the officer shot his gun and I was stopped, don't you think I would have got caught – that I would have had the gun on me? It was like just three seconds after the shooting went off. The only thing that I did was that I ran."

In response to further questioning by Inspector Engler, [REDACTED] stated, "I need a lawyer, cuz."

No further questions were asked of [REDACTED] upon [REDACTED] request for an attorney.

[REDACTED] was wearing a black hooded sweatshirt with a white t-shirt underneath, jeans and a red Cincinnati Reds baseball team cap that appeared to be new and still had the manufacturers decals upon it's bill. The clothing was seized and booked by Inspector Lawrence Mack prior to being booked at the Homicide Detail for later transfer to the Property Control Section of the SFPD. [REDACTED] was then booked at County Jail #1 for the listed charges.

Statement of (B3) [REDACTED]

On Saturday, July 3, 2010 at 1027 hours, Inspectors Joseph Engler and Gianrico Pierucci and District Attorney Investigator Jim Posada interviewed (B3) [REDACTED] following [REDACTED] implied waiver of [REDACTED] Miranda Advisement by Inspector Engler after stating that [REDACTED] understood [REDACTED] rights.

During the interview, (B3) [REDACTED] denied being involved in the shooting incident in front of [REDACTED] Columbus Avenue, Little Darlings Strip Club. The subject said that [REDACTED] was with [REDACTED] at the Roaring 20's Strip Club on Broadway Street when [REDACTED] heard the shots fired around the corner. [REDACTED] said that [REDACTED] did not see the shooting occur and that [REDACTED] heard 5 – 6 shots. [REDACTED] said that [REDACTED] saw several people run toward Broadway Street at Columbus Streets immediately following the shooting.

One of the persons who [REDACTED] observed run towards [REDACTED] location near Broadway Street and Columbus Street was (B1) [REDACTED] claimed to have met [REDACTED] only 30 minutes prior to the incident through a mutual friend known to [REDACTED] only as "[REDACTED]". [REDACTED] said that when [REDACTED] ran towards [REDACTED] was yelling out that [REDACTED] had been shot. [REDACTED] said that [REDACTED] offered to drive [REDACTED] to a hospital and started running with [REDACTED] up Romolo Place from Columbus Avenue towards Fresno Street to where [REDACTED] car was parked. It was on Romolo Place between Columbus Avenue and Fresno Street that both [REDACTED] and [REDACTED]

When asked about [REDACTED] knowledge of the area where the shooting occurred, [REDACTED] admitted to knowing that [REDACTED] gang members often gathered on the 300 block of Columbus Avenue and that [REDACTED] had observed the group earlier in the evening prior to the shooting. [REDACTED] when pressed to provide greater details regarding the persons [REDACTED] observed on Columbus Street earlier in the evening claimed not to know any of the persons who [REDACTED] admitted appeared to be wearing attire consistent with [REDACTED] gang members. When asked about the attire worn by [REDACTED] who [REDACTED] had offered a ride, [REDACTED] said that it was clothing that you would wear if you were a [REDACTED] and "if you were banging." While acknowledging at one point that [REDACTED] was probably involved in gang activity associated with the gunfire on the 300 block of Columbus Avenue, [REDACTED] was going to drive [REDACTED] to a hospital when [REDACTED] was detained by the police.

[REDACTED] while acknowledging that [REDACTED] was wearing gang clothing in an area where gang members gathered, claimed that had [REDACTED] known [REDACTED] was a gang member [REDACTED] would not have offered to give [REDACTED] a ride out of the area. [REDACTED] claim that [REDACTED] had only met [REDACTED] that evening for the first time was inconsistent with [REDACTED] claim that the two knew each other for an extended period of time. [REDACTED] also, when discussing [REDACTED] earlier [REDACTED]

claimed that [REDACTED] dealt drugs to [REDACTED] but would not have done business with [REDACTED].

CONFIDENTIAL

Statement of (W1) [REDACTED]

On Saturday, July 3, 2010 at 0518 hours, Inspectors Joseph Engler and Gianrico Pierucci and District Attorney Investigator Jim Posada interviewed (W1) [REDACTED] at the Little Darlings Strip Club. [REDACTED] had been [REDACTED] with a [REDACTED] named "[REDACTED]."

[REDACTED] said that the [REDACTED] identified in a cold show on Romolo Place the [REDACTED] in the black sweatshirt (B1 - [REDACTED]) as the same [REDACTED] [REDACTED] had observed draw a black handgun from [REDACTED] front pants waistband while in front of the Little Darlings Strip Club just prior to the shooting. [REDACTED] said that [REDACTED] went back inside the business and closed the door after seeing the gun and did not know if the [REDACTED] in the black sweatshirt was the shooter or if [REDACTED] had handed the gun off to another person in [REDACTED] company. [REDACTED] said that [REDACTED] saw the gun come out from under [REDACTED] sweatshirt. [REDACTED] was wearing all black, thought [REDACTED] was taller than the [REDACTED] had observed on the hill of Romolo Street for a cold show. [REDACTED] said that the [REDACTED] in the black sweatshirt was a [REDACTED] kind of taller wearing a big black sweatshirt with [REDACTED] hair pulled back and had been talking trash and was involved in a fight that led up to the shooting. The [REDACTED] in the black sweatshirt was with the [REDACTED] who had shot the gun. Another [REDACTED], who was taller than the [REDACTED] in the black sweatshirt, was also in front of Little Darlings and involved in the fight that preceded the shooting.

[REDACTED] said that [REDACTED] recognized the crowd in front of the Little Darlings Strip Club as different groups of [REDACTED] gang members. [REDACTED] said that the [REDACTED] who [REDACTED] later saw on the ground bleeding from a gunshot wound was the same [REDACTED] who had earlier been engaged in trash talking with the [REDACTED] in the black sweatshirt and [REDACTED] taller friend. [REDACTED] said that the incident happened very fast and that [REDACTED] had taken cover inside of [REDACTED] Columbus Avenue and saw only a portion of the incident.

Statement of (W2) [REDACTED]

On Saturday, July 3, 2010 at 0545 hours, Inspectors Joseph Engler and Gianrico Pierucci and District Attorney Investigator Jim Posada interviewed (W2) [REDACTED] at [REDACTED] Columbus Avenue, Taqueria Zorro, the business next door to where the shooting had occurred. [REDACTED] had been inside the front door of the taqueria when the shooting occurred. [REDACTED] said that [REDACTED] did not see the shooting occur. [REDACTED] discussed a fight that was about to occur between the [REDACTED] in front of the business just prior to the shooting.

Statement of (W3) [REDACTED]

On Saturday, July 3, 2010 at 0545 hours, Inspectors Joseph Engler and Gianrico Pierucci and District Attorney Investigator Jim Posada interviewed (W3) [REDACTED] a patron of the pizza parlor next to [REDACTED] Columbus Avenue where the shooting occurred.

[REDACTED] said that [REDACTED] was with [REDACTED] and a friend when [REDACTED] heard gunshots and saw a [REDACTED] described as being framed by the doorway into the pizza parlor standing and firing a gun. Everyone in the crowd where the shooting was occurring was wearing black and red clothing. [REDACTED] described the shooter as being [REDACTED] wearing a black hoodie and had had a bright red baseball cap on [REDACTED] head. [REDACTED] impression of the [REDACTED] was that [REDACTED] hair style was not long but coming out of the cap and was [REDACTED]. The shooters [REDACTED] was of a [REDACTED] and [REDACTED] also felt that [REDACTED] could be [REDACTED].

[REDACTED] said that neither of the two [REDACTED] that she observed on Romolo Place during the cold show was the shooter.

Statement of (W4) [REDACTED]

On Saturday, July 3, 2010 at 0545 hours, Inspectors Joseph Engler and Gianrico Pierucci and District Attorney Investigator Jim Posada interviewed (W4) [REDACTED] a patron of the pizza parlor next to [REDACTED] Columbus Avenue where the shooting occurred.

[REDACTED] said that [REDACTED] heard the shots and shortly thereafter saw a plainclothes police officer run around the corner, announce something verbally and then fire a shot or two. The command was something like "Stop! Don't run!" The officer was wearing a badge hanging around his neck. [REDACTED] saw a second plainclothes officer take the [REDACTED] down to the ground.

Statement of (W5) [REDACTED]

On Saturday, July 3, 2010 at 0545 hours, Inspectors Joseph Engler and Gianrico Pierucci and District Attorney Investigator Jim Posada interviewed (W5) [REDACTED] a person on the sidewalk near the pizza parlor next to [REDACTED] Columbus Avenue when the shooting occurred.

[REDACTED] said that [REDACTED] observed a [REDACTED] pull out a semi-automatic handgun from [REDACTED] waist area and fire 5 to 6 shots. The gun looked like a black Glock and [REDACTED] saw [REDACTED] shoot the gun 5 – 6 times. [REDACTED] described the [REDACTED] as [REDACTED]", [REDACTED] lbs, with a white t-shirt under a black hooded sweatshirt. [REDACTED] said that [REDACTED] could see the white t-shirt when the [REDACTED] pulled the gun from under the black hooded sweatshirt. [REDACTED] said that [REDACTED] was [REDACTED] feet when the shooting started.

[REDACTED] could not identify either (B1) [REDACTED] or (B3) [REDACTED] as persons involved in the shooting.

Statement of (W6) [REDACTED] aka "[REDACTED]"

On Saturday, July 3, 2010 at 0737 hours, Inspectors Joseph Engler and Gianrico Pierucci and District Attorney Investigator Jim Posada interviewed (W6) [REDACTED] aka "[REDACTED]", a patron of the pizza parlor next to [REDACTED] Columbus Avenue where the shooting occurred.

[REDACTED] said that [REDACTED] first heard the gunshots and then saw a [REDACTED] with a gun shooting at other persons from where the shooter stood in the doorway of the pizzeria. [REDACTED] said that [REDACTED] saw the [REDACTED] shoot 5 – 6 times before the suspect ran away. [REDACTED] saw the left side profile of the shooter and saw that the gun was held in the shooter's right hand.

Statement of (W7) [REDACTED]

On Saturday, July 3, 2010 at 0140 hours, Officer Sarcos #2377 and Officer Smith #2385 of Central Station obtained a written statement from [REDACTED] [REDACTED] who witnessed the shooting at [REDACTED] Columbus Avenue while inside the pizzeria next door.

[REDACTED] said saw a [REDACTED] in a red baseball cap shoot off four shots from a handgun as [REDACTED] ran up Columbus Avenue towards Grant Avenue.

Statement of (W8) Sergeant John Kasper

On Saturday, July 3, 2010 at approximately 0140 hours, Sergeant Jon Kasper was transported to Romolo Alley by Sergeant Laura Knight where he was allowed to view two subjects, one at a time, who had been detained as they fled the area of the shooting. Sergeant Kasper, who had witnessed the shooting, identified (B1) [REDACTED] as a [REDACTED] who had been with the shooter at the time the shooting had occurred. This statement was made to Sergeant Laura Knight.

Also on Saturday, July 3, 2010, Sergeant Jon Kasper was interviewed by Inspectors Gianrico Pierucci and Joseph Engler at the Hall of Justice regarding the shooting which he and his partner, Inspector John Newman, drove up upon at the moment that it occurred. Sergeant Kasper estimated that they were 15 feet away from the subjects and slowly driving in an unmarked police car when a fight and shooting began in front of the Little Darlings Strip Club located at [REDACTED] Columbus Avenue. Sergeant Kasper observed a [REDACTED] later identified as (B2) [REDACTED] wearing a red baseball cap shoot into the crowd that was involved in the argument in front of the strip club. Prior to the shots being fired, Sergeant Kasper saw members of the group in front of the strip club flashing gang signs with curved fingers. The persons who were shot at appeared to be the persons who had been flashing the gang signs.

Sergeant Kasper described a second [REDACTED] wearing a black sweatshirt with a hood and a single black glove on one of [REDACTED] hands who was with the shooter. The [REDACTED] with the black sweatshirt and the black glove is the same [REDACTED] he later identified in the cold show on Romolo Alley as the [REDACTED] with the shooter who was trying to pull [REDACTED] away from the crowd following the shooting. This [REDACTED] was later identified as (B1) [REDACTED]

Sergeant Kasper said that he lost sight of the shooter for only seconds from the time the shooting occurred until the time that Sergeant Kasper took the [REDACTED] in the red cap down to the ground and handcuffed [REDACTED] on Grant Avenue near Fresno Street. During the shooting, Sergeant Kasper described the shooter as backing away from the Little Darling Strip Club as [REDACTED] moved up Columbus Street towards Grant Avenue.

Sergeant Kasper, who was driving an unmarked police car with Inspector Newman as a passenger, allowed Inspector Newman to get out of the unmarked car in order to pursue the shooter on foot. Sergeant Kasper continued onto Grant in order to get out ahead of the shooter by maneuvering the unmarked car thru vehicular and pedestrian traffic. Sergeant Kasper did not see Inspector Newman fire a single shot at the suspect, later identified as (B2) [REDACTED] the [REDACTED] in the red baseball cap.

Sergeant Kasper said that immediately after he handcuffed [REDACTED] Inspector Newman was yelling out to Sergeant Kasper, "[REDACTED] handed off the gun!" Sergeant Kasper said that a couple of businesses up Fresno Street a handgun with a cocked hammer was found.

#### Statement of (W9) Inspector John Newman

On Saturday, July 3, 2010, Inspector John Newman was interviewed by Inspectors Gianrico Pierucci and Joseph Engler at the Hall of Justice regarding the shooting which he and his partner, Sergeant Jon Kasper, drove up upon at the moment that it occurred.

Inspector Newman said that he was a passenger in a car being driven on the 300 block of Columbus Street by Sergeant Jon Kasper at the time the shooting occurred. Inspector Newman, driving with his window down, noticed a disturbance where a group of people wearing clothing that appeared consistent with gang attire. The Inspector said that he was about to call in a fight call to dispatch when he observed a [REDACTED] with a red baseball cap pull out a gun and start shooting in the direction of people [REDACTED] had just engaged in a verbal argument. The [REDACTED] who pulled the gun had [REDACTED] back facing the north so [REDACTED] was shooting towards the people on Columbus Street and closer to Broadway Street. The handgun moved as if it were being pointed at several people.

Inspector Newman got out of the car and pursued the shooter in the red baseball cap, later identified as (B2) [REDACTED] until the point where the shooter turned onto Grant Street from Columbus. Inspector Newman, with less people around the shooter on Columbus, identified

himself as a police officer and gave verbal commands followed by the discharge of a single bullet from his weapon to gain cooperation from (B2) [REDACTED] and take [REDACTED] down to the ground where another police officer placed handcuffs onto the shooter.

Inspector Newman also described a second [REDACTED] wearing a black hooded sweatshirt who the shooter appeared to be meeting up with and stood shoulder to shoulder with on Columbus Street as they were moving away from Columbus Street on Grant. The Inspector believes that there was an opportunity for the shooter ((B2) [REDACTED] to hand the gun off to the [REDACTED] in the black sweatshirt, believed to be (B1) [REDACTED]

#### Evidence Collected

The following items of collected and seized evidence were booked by Inspector Lawrence Mack #1789 on 7-3-2010 at Southern Police Station:

- (E1) Baseball cap
- (E2) Jeans
- (E3) Jacket
- (E4) Tennis shoes
- (E5) T-shirt
- (E6) Socks

The following items of collected and seized evidence were booked by Inspector Lawrence Mack #1789 on 7-3-2010 at the Homicide Detail:

- (E13) Jeans
- (E14) T-shirt
- (E15) T-shirt
- (E16) Shorts
- (E17) Hooded sweatshirt
- (E18) Red baseball cap
- (E19) Shoes
- (E20) Gold colored mouth pieces
- (E21) Earring
- (E22) T-shirt
- (E23) Hooded sweatshirt
- (E24) Jeans with red trim embroidering
- (E25) Knit watch cap
- (E26) Tennis shoe
- (E27) Sock
- (E28) Hooded jacket
- (E29) Torn clothing
- (E30) Knit watch cap
- (E31) Socks
- (E32) T-shirts
- (E33) Shorts
- (E34) Jeans
- (E35) Nylon belt
- (E36) Tennis shoes
- (E37) Keys
- (E38) Paystub
- (E39) Paper bag with [REDACTED] clothing
- (E40) 49er T-shirt

- (E41) Shorts
- (E42) Shorts
- (E43) Torn jeans
- (E44) Belt
- (E45) Knit watch cap
- (E46) Knit gloves
- (E47) Tennis shoes
- (E48) Socks
- (E49) Hooded sweatshirt
- (E50) Paper bag containing clothing from SFGH

The following items of collected and seized evidence were booked by Inspector Kevin Jones #483 on 7-3-2010 at Southern Police Station:

- (E10) Oral swabs from (B3) [REDACTED]
- (E11) Oral swabs from (B1) [REDACTED]
- (E12) Oral swabs from (B3) [REDACTED]

The following items of collected and seized evidence were booked by Inspector Joseph Engler #239 at Southern Police Station:ocks

- (E7) Cell phone, red Samsung
- (E8) Cell phone, black Huawei
- (E9) Cell phone, black Samsung.

It should be noted that three of the evidenciary items listed as being booked by Inspector Kevin Jones in this report (items E10, E11 & E12) were listed in another supplemental report by Inspector Jones and the reference to those items in this report is duplicative.

SFSD BOOKING #		San Francisco Field Arrest Card				SFPD BOOKING #	
CASE # 100 609 942		First Name: [REDACTED]		Middle Name: [REDACTED]		Last Name: [REDACTED]	
PID HR ( ) Yes ( ) No		Alias		DV Related Yes No		Date of Arrest 7, 3, 10	
STATE: [REDACTED]		Residence Address		Booking Counter Search		Time of Arrest 0130 Hrs.	
CIT # [REDACTED]		Location of Arrest Romero / Fresno		AR / Star #		Unit / Agency 5K16 SFPD	
FBI # [REDACTED]		Prior to Booking ( ) Resister ( ) Biter ( ) Spitter Comment: .		Any Property Booked From Incident <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Reason Not Cited: 9	
CWB Check DAVID 50		Use of Force Prior to Booking ( ) Carotid ( ) OC Spray ( ) Less Than Lethal		Gender [REDACTED]		RACE (check one) [REDACTED] Unknown	
Global Subject #		Citizen: ( ) Yes ( ) No Country: _____		Ethnic Origin (Write In)		Photo Here	
Arresting Officer Mark 1789		Medical Assessment Prior to Booking (Comment if yes)		Medical Triage ( ) Cleared ( ) Refused			
Arresting Officer [REDACTED]		Charge 1 N/3 2 PL		JHS _____ Hrs _____			
Supervisor Mark 1789		Charge 2 1203. 2(a) PL		P & P (E-16) Strip Search OK ( ) Not Eligible for Strip Search ( )			
Notifications		Charge 3		Checked By (A # / Star #) Searching Deputy			
Name: Phone # Relationship (check one) ( ) Officer ( ) Parole ( ) Probation Remarks:		Charge 4-					
Remarks:							
Name: Last, First		Sub-Codes:				Class Level	

SFSD BOOKING #		San Francisco Field Arrest C.		SFPD BOOKING #	
CASE # 100609942		First Name:			
(SF#) Local ID Number		PID HR ( ) Yes ( ) No		Date of Arrest 07.03.2010	
CDI #		STA		Time of Arrest 0135 Hrs.	
		Booking Counter Search		Unit / Agency 5H13	
		Location of Arrest Grant St at Fresno		Reason Not Cited:	
CWB Check Vic		Prior to Booking ( ) Resister ( ) Biter ( ) Spitter Comment:		Gender	
Star # 64		Use of Force Prior to Booking ( ) Carotid ( ) OC Spray ( ) Less Than Lethal		Any Property Booked From Incident <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Global Subject #		Citizen: ( ) Yes ( ) No Country:		Ethnic Origin (Write In)	
Arresting Officer Engler		A# / Star # 239		Medical Triage	
Arresting Officer Pervelli		A# / Star # 1604		JHS	
Supervisor		A# / Star #		Hrs	
Notifications		Charge 1 664/187 PC		P & P (E-16) Strip Search OK ( )	
Name:		Charge 2 664/187 PC		Not Eligible for Strip Search ( )	
Phone #		Charge 3 245(2)(1) PC		Checked By (A # / Star #)	
Relationship (check one) ( ) Officer ( ) Parole ( ) Probation.		Charge 4 245(2)(1) PC		Searching Deputy	
Remarks:				Photo Here	
Remarks:					
Name: Last, First		Sub-Codes:		Class Level	

SFSD BOOKING #		San Francisco Sheriff's Department CONTINUATION CARD				SFPD BOOKING #	
Charges		Check If Attempt	F / M / I	Charges		Check If Attempt	F / M / I
Charge 5 182(2)(1) PC		<input type="checkbox"/>	F	Charge 15		<input type="checkbox"/>	
Charge 6 186-22(2) PC		<input type="checkbox"/>	F	Charge 16		<input type="checkbox"/>	
Charge 7 12022-53 PC		<input type="checkbox"/>	F	Charge 17		<input type="checkbox"/>	
Charge 8		<input type="checkbox"/>		Charge 18		<input type="checkbox"/>	
Charge 9		<input type="checkbox"/>		Charge 19		<input type="checkbox"/>	
Charge 10		<input type="checkbox"/>		Charge 20		<input type="checkbox"/>	

SFPD 100609942

00085

CASE #

100609942

First Name:

(SF#) Local ID Number

PID #  
( ) Yes ( ) NoDV-Related ☒ Yes ☐ No

Date of Arrest

07.03.2010

Residence Address

Location of Arrest

Grant St at Fresno

Booking Counter Search

A# / Star#

Reason

CWB Check

Vic

Star #

64

Global Subject #

Prior to Booking ( ) Resister ( ) Biter ( ) Spitter

Comment:

Use of Force Prior to Booking  
( ) Carotid ( ) OC Spray ( ) Less Than LethalAny Property Booked  
From Incident☒ Yes ☐ No

RACE (check one)

Arresting Officer

Engler

A# / Star #

239

Arresting Officer

Pernucci

A# / Star #

1604

Supervisor

A# / Star #

Citizen: ( ) Yes ( ) No Country:

Medical Assessment Prior to Booking (Comment if yes)

Charge 1

664/187

PC

Check if  
Attempt ☒ F/M/I☐ F

Charge 2

664/187

PC

☐ F☐ F

Charge 3

245(2)(1)

PC

☐ F☐ F

Charge 4

245(2)(1)

PC

☐ F☐ F

(Write in)

Medical Triage 2

☒ Cleared ( ) Refused

JHS RCL 7/3/10

Hrs 1456

P &amp; P (E-16) Strip Search OK ( )

Not Eligible for Strip Search ( )

Checked By (A# / Star#)

Searching Deputy

Name:

Phone #

Relationship (check one)

( ) Officer ( ) Parole ( ) Probation

Remarks:

Remarks:

Name:

Last, First

Sub-Codes:

Class Level

SFSD BOOKING #

San Francisco Sheriff's Department CONTINUATION CARD

SFSD BOOKING #

Charges

Check if  
Attempt

F/M/I

Charges

Charge 5

182(2)(1)

PC

☐

F

Charge 15

Charge 6

186.22(2)

PC

☐

F

Charge 16

Charge 7

12022.53

PC

☐

F

Charge 17

Charge 8

☐

Charge 18

Charge 9

☐

Charge 19

Charge 10

☐

Charge 20

Charge 11

☐

Charge 21

Charge 12

☐

Charge 22

Charge 13

☐

Charge 23

Charge 14

☐

Charge 24

First

Middle

(SF#) Local ID

# San Francisco Police Department INCIDENT REPORT

Report Type: Initial

100609942

Incident Number 100-609-942	Occurrence from Date/Time 7/3/10 01:31	Occurrence to Date/Time 7/3/10 01:31	Reported Date/Time 7/3/10 01:31	CAD Number 101840251
Type of Incident Assault, Aggravated, W/ Gun -04011				
Location of Occurrence Columbus		At Intersection with/Premise type Sidewalk		District
Confidential Report? <input type="checkbox"/>	Arrest Made? <input checked="" type="checkbox"/>	Suspect Known? <input type="checkbox"/>	Suspect Unknown? <input type="checkbox"/>	Non-Suspect Incident? <input type="checkbox"/>
(Type of Weapon Used)				Reporting Unit 3A14E
Location Sent Same				District
How Cleared? 6	Reported to Bureau Operations Center	Name Voong	Star 2391	Date/Time 7/3/10 03:00
Elder Victim? <input type="checkbox"/>	Gang Related? <input type="checkbox"/>	Juvenile Subject? <input type="checkbox"/>	Prejudice Based? <input type="checkbox"/>	

100609942

OFFICIAL DECLARATION	I declare under penalty of perjury, this report of 9 pages is true and correct, based on my personal knowledge, or is based on information and belief following an investigation of the events and parties involved.				
	PROP 115 CERTIFIED POST TRAINING		Signature: <i>[Signature]</i>		
	Reporting Officer Sullivan, Matt D	Star 1761	Station Central Station	Watch 2100-0700	Date 7/3/10 10:35:13
	Sgt. Edmund Garcia #1962	STAR	Station Central Station	Watch 2100-0700	Date JUL 03 2010
	Sgt. Edmund Garcia #1962	STAR	Station Central Station	Watch 2100-0700	Date JUL 03 2010
Related Case		Related Case	Re-Assigned to	Assigned to 5G200	Assigned by MS 1761
		Copies to 5G200	Add'l Copies		

V I M	Code V 1	Name (Last, First Middle)		Alias	
	Day Phone	Type Cell	Home Address	City	State
	Night Phone	Type	Work Address	City	State
	DOB / Age	DOB Unk. <input type="checkbox"/>	or age between: and	Race	Sex
	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.
Confidential Person <input type="checkbox"/>		Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Follow-up Form YES <input type="checkbox"/>	Statement YES <input type="checkbox"/>
School (if Juvenile)		Injury/Treatment See narrative	Relationship to Subject Stranger/None		
		Other Information/If Interpreter Needed Specify Language			

B O O K E D	Code B 1	Name (Last, First Middle)		Alias	
	Day Phone	Type	Home Address	City	State
	Night Phone	Type	Work Address	City	State
	DOB Unknown <input type="checkbox"/>	Date of Birth	Age	or age between and	Race
	Height	Weight	Hair Color	Eye Color	
	SFNO	J/DH (if Juv.)	ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number
	Book Section #1	Book Section #2	Book Section #3	Book Section #4	Book Section #5
	Warrant #	Court #	Action #	Dept	Enroute to
	Warrant Violation(s)	Bail	Mirandized <input type="checkbox"/>	Star	Date Time Statement
	Citation #	Violation(s)	Appear Date/Time	Location of Appearance	
Book/Cite Approval	Star	Mass Arrest Code	M X-Rays <input type="checkbox"/>	School (if Juvenile)	
Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos					
Wearings: Red baseball hat, black sweatshirt, white t-shirt, black jeans, black shoes.					

# San Francisco Police Department

## ADDITIONAL REPORTEE

100609942

RP CODES: F - FOUND; N - NOTIFY; P - PARENT; R - REPORTEE; V - VICTIM; W - WITNESS

V I C T I M 2	Code V 2	Name (Last, First Middle) [REDACTED]						Alias			
	Day Phone	Type None	Home Address [REDACTED]						City [REDACTED]	State [REDACTED]	Zip Code [REDACTED]
	Night Phone	Type None	Work Address						City	State	Zip Code
	DOB/ [REDACTED]	Age [REDACTED]	DOB Unk <input type="checkbox"/>	or age between AND	Race [REDACTED]	Sex [REDACTED]	Height	Weight	Hair Color	Eye Color	ID No.
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input checked="" type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Star	F/U Form YES <input checked="" type="checkbox"/>	Statement YES <input type="checkbox"/>	Relationship to Subject Stranger/None				
	School (if Juvenile)	Injury/Treatment See narrative						Other Information/If Interpreter Needed Specify Language			

R / V I C T I M 3	Code RV 3	Name (Last, First Middle) [REDACTED]						Alias			
	Day Phone	Type Work	Home Address [REDACTED]						City [REDACTED]	State [REDACTED]	Zip Code [REDACTED]
	Night Phone	Type	Work Address						City	State	Zip Code
	DOB/ [REDACTED]	Age [REDACTED]	DOB Unk <input type="checkbox"/>	or age between AND	Race [REDACTED]	Sex [REDACTED]	Height	Weight	Hair Color	Eye Color	ID No.
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Star	F/U Form YES <input checked="" type="checkbox"/>	Statement YES <input checked="" type="checkbox"/>	Relationship to Subject Stranger/None				
	School (if Juvenile)	Injury/Treatment See narrative						Other Information/If Interpreter Needed Specify Language No e-mail			

R / W I T N E S S 4	Code RW 4	Name (Last, First Middle) [REDACTED]						Alias			
	Day Phone	Type Cell	Home Address [REDACTED]						City Reno	State CA	Zip Code 95959-
	Night Phone	Type Work	Work Address						City	State	Zip Code
	DOB/ [REDACTED]	Age [REDACTED]	DOB Unk <input type="checkbox"/>	or age between AND	Race [REDACTED]	Sex [REDACTED]	Height	Weight	Hair Color	Eye Color	ID No. DL [REDACTED]
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Star	F/U Form YES <input type="checkbox"/>	Statement YES <input checked="" type="checkbox"/>	Relationship to Subject Stranger/None				
	School (if Juvenile)	Injury/Treatment None/None						Other Information/If Interpreter Needed Specify Language [REDACTED]			

R / W I T N E S S 5	Code RW 5	Name (Last, First Middle) [REDACTED]						Alias			
	Day Phone	Type Cell	Work Address [REDACTED]						City [REDACTED]	State [REDACTED]	Zip Code [REDACTED]
	Night Phone	Type	WORK ADDRESS						City	State	Zip Code
	DOB/ [REDACTED]	Age [REDACTED]	DOB Unk <input type="checkbox"/>	or age between AND	Race [REDACTED]	Sex [REDACTED]	Height	Weight	Hair Color	Eye Color	ID No. [REDACTED]
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Star	F/U Form YES <input type="checkbox"/>	Statement YES <input checked="" type="checkbox"/>	Relationship to Subject Stranger/None				
	School (if Juvenile)	Injury/Treatment None/None						Other Information/If Interpreter Needed Specify Language [REDACTED]			

SFPD377 B (03/03)

# San Francisco Police Department

## ADDITIONAL REPORTEE

100609942

RP CODES: F - FOUND; N - NOTIFY; P - PARENT; R - REPORTEE; V - VICTIM; W - WITNESS

R / WITNESS 9	Code R/W 9	Name (Last, First Middle)				Alias					
	Day Phone	Type	Home Address				City	State	Zip Code		
		Cell									
	Night Phone	Type	Work Address				City	State	Zip Code		
	DOB/	Age	DOB	or age between	Race	Sex	Height	Weight	Hair Color	Eye Color	ID No.
		Unk	AND								
Confidential Person		Violent Crime Notification		293 PC Notification		Star	F/U Form	Statement	Relationship to Subject		
							YES	YES	Stranger/None		
School (if Juvenile)	Injury/Treatment				Other Information/If Interpreter Needed Specify Language						

R / WITNESS 6	Code R/W 6	Name (Last, First Middle)				ALIAS					
	Day Phone	Type	Home Address				City	State	Zip Code		
		Cell									
	Night Phone	Type	Work Address				City	State	Zip Code		
	DOB/	Age	DOB	or age between	Race	Sex	Height	Weight	Hair Color	Eye Color	ID No.
		Unk	AND								
Confidential Person		Violent Crime Notification		293 PC Notification		Star	F/U Form	Statement	Relationship to Subject		
							YES	YES	Stranger/None		
School (if Juvenile)	Injury/Treatment				Other Information/If Interpreter Needed Specify Language						
None/None											

R / WITNESS 7	Code R/W 7	Name (Last, First Middle)				ALIAS					
	Day Phone	Type	Home Address				City	State	Zip Code		
		Cell									
	Night Phone	Type	Work Address				City	State	Zip Code		
	DOB/	Age	DOB	or age between	Race	Sex	Height	Weight	Hair Color	Eye Color	ID No.
		Unk	AND								
Confidential Person		Violent Crime Notification		293 PC Notification		Star	F/U Form	Statement	Relationship to Subject		
							YES	YES	Stranger/None		
School (if Juvenile)	Injury/Treatment				Other Information/If Interpreter Needed Specify Language						
None/None											

R / WITNESS 8	Code R/W 8	Name (Last, First Middle)				Alias					
	Day Phone	Type	Work Address				City	State	Zip Code		
		Cell									
	Night Phone	Type	WORK ADDRESS				City	State	Zip Code		
	DOB/	Age	DOB	or age between	Race	Sex	Height	Weight	Hair Color	Eye Color	ID No.
		Unk	AND								
Confidential Person		Violent Crime Notification		293 PC Notification		Star	F/U Form	Statement	Relationship to Subject		
							YES	YES	Stranger/None		
School (if Juvenile)	Injury/Treatment				Other Information/If Interpreter Needed Specify Language						
None/None											

SFPD377 B (03/03)

# San Francisco Police Department

## ADDITIONAL REPORTEE

100609942

RP CODES: F - FOUND; N - NOTIFY; P - PARENT; R - REPORTEE; V - VICTIM; W - WITNESS

W I T N E S S	Code R/W 10	Name (Last, First Middle)						Alias			
	Day Phone		Type	Home Address				City		State	Zip Code
	Night Phone		Type	Work Address				City		State	Zip Code
	DOB/	Age	DOB Unk <input type="checkbox"/>	or age between AND	Race	Sex	Height	Weight	Hair Color	Eye Color	ID No.
	Confidential Person <input type="checkbox"/>		Violent Crime Notification <input type="checkbox"/>		293 PC Notification <input type="checkbox"/>		Star	F/U Form YES <input type="checkbox"/>	Statement YES <input type="checkbox"/>	Relationship to Subject	
	School (if Juvenile)		Injury/Treatment				Other Information/If Interpreter Needed Specify Language				

R E P O R T E E	Code RAW 11	Name (Last, First Middle)						Alias			
	Day Phone		Type	Home Address				City		State	Zip Code
	Night Phone		Type	Work Address				City		State	Zip Code
	DOB/	Age	DOB Unk <input type="checkbox"/>	or age between AND	Race	Sex	Height	Weight	Hair Color	Eye Color	ID No.
	Confidential Person <input type="checkbox"/>		Violent Crime Notification <input type="checkbox"/>		293 PC Notification <input type="checkbox"/>		Star	F/U Form YES <input type="checkbox"/>	Statement YES <input type="checkbox"/>	Relationship to Subject	
	School (if Juvenile)		Injury/Treatment				Other Information/If Interpreter Needed Specify Language				

	Code	Name (Last, First Middle)						Alias			
	Day Phone		Type	Home Address				City		State	Zip Code
	Night Phone		Type	Work Address				City		State	Zip Code
	DOB/	Age	DOB Unk <input type="checkbox"/>	or age between AND	Race	Sex	Height	Weight	Hair Color	Eye Color	ID No.
	Confidential Person <input type="checkbox"/>		Violent Crime Notification <input type="checkbox"/>		293 PC Notification <input type="checkbox"/>		Star	F/U Form YES <input type="checkbox"/>	Statement YES <input type="checkbox"/>	Relationship to Subject	
	School (if Juvenile)		Injury/Treatment				Other Information/If Interpreter Needed Specify Language				

	Code	Name (Last, First Middle)						Alias			
	Day Phone		Type	Work Address				City		State	Zip Code
	Night Phone		Type	WORK ADDRESS				City		State	Zip Code
	DOB/	Age	DOB Unk <input type="checkbox"/>	or age between AND	Race	Sex	Height	Weight	Hair Color	Eye Color	ID No.
	Confidential Person <input type="checkbox"/>		Violent Crime Notification <input type="checkbox"/>		293 PC Notification <input type="checkbox"/>		Star	F/U Form YES <input type="checkbox"/>	Statement YES <input type="checkbox"/>	Relationship to Subject	
	School (if Juvenile)		Injury/Treatment				Other Information/If Interpreter Needed Specify Language				

SFPD377 B (03/03)

San Francisco Police Department

**100609942**

## ADDITIONAL SUSPECTS

BOOKED	CODE B 2		Name (Last, First Middle) [REDACTED]				Alias				
	Day Phone		Type	Home Address			City		State	Zip Code	
	Night Phone		Type	Work Address			City		State	Zip Code	
	School (if Juvenile)		Race	Sex	DOB Unknown <input type="checkbox"/>	DOB [REDACTED]	Height	Weight	Hair Color	Eye Color	
	SFNO	J/D# (if Juv.)	ID No.	[REDACTED]				ID No.			
	Book/Charge 1		Book/Charge 2		Book/Charge 3		Book/Charge 4		Book/Charge 5		
	Where Booked										
	Warrant #		Court #	Action #		Dept	Enroute To		CWB Check	Star	
	Warrant Violation(s)					Bail	Mirandized <input type="checkbox"/>	Star	Date/Time	Statement <input type="checkbox"/>	
	Citation #		Violation(s)				Appear Date/Time		Location of Appearance		
Book/Cite Approval			Star	Mass Arrest Code		M X-Rays <input type="checkbox"/>					
Other Information: Citation/Warrant/Booking Charge(s)/Missing Persons-Subject Description/Scars, Marks, Tattoos											
<input type="checkbox"/> ORIGINAL PRIVATE PERSON'S ARREST FORM BOOKED AS EVIDENCE. PHOTOCOPY ATTACHED WITH THIS REPORT.											
BOOKED	CODE B 3		Name (Last, First Middle) [REDACTED]				Alias				
	Day Phone		Type	Home Address			City		State	Zip Code	
	Night Phone		Type	Work Address			City		State	Zip Code	
	School (if Juvenile)		Race	Sex	DOB Unknown <input type="checkbox"/>	DOB [REDACTED]	Height	Weight	Hair Color	Eye Color	
	SFNO	J/D# (if Juv.)	ID No.	[REDACTED]				ID No.			
	Book/Charge 1		Book/Charge 2		Book/Charge 3		Book/Charge 4		Book/Charge 5		
	Where Booked										
	Warrant #		Court #	Action #		Dept	Enroute To		CWB Check	Star	
	Warrant Violation(s)					Bail	Mirandized <input type="checkbox"/>	Star	Date/Time	Statement <input type="checkbox"/>	
	Citation #		Violation(s)				Appear Date/Time		Location of Appearance		
Book/Cite Approval			Star	Mass Arrest Code		M X-Rays <input type="checkbox"/>					
Other Information: Citation/Warrant/Booking Charge(s)/Missing Persons-Subject Description/Scars, Marks, Tattoos											
<input type="checkbox"/> ORIGINAL PRIVATE PERSON'S ARREST FORM BOOKED AS EVIDENCE. PHOTOCOPY ATTACHED WITH THIS REPORT.											

SFPD377 C (11/02)

100609942

San Francisco Police Department  
PROPERTY LISTINGS

E	Code/No EVD 1	Item Description Crime Scene Log				Brand	Model	
1	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity 3	Value	
Seized by (Star)		From Where						
Additional Description/Identifying Numbers Crime Scene log for █████ Columbus St. and Fresno and Grant.								
E	Code/No EVD 2	Item Description Photo Disk				Brand	Model	
2	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity 3	Value	
Seized by (Star)		From Where						
Additional Description/Identifying Numbers 3 Photo Disks								
E	Code/No EVD 3	Item Description Coldshow				Brand	Model	
3	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity 2	Value	
Seized by (Star)		From Where						
Additional Description/Identifying Numbers Coldshow for Sgt. Kasper #68 and Coldshow for (V) █████								
E	Code/No EVD 4	Item Description Statement				Brand	Model	
4	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity 3	Value	
Seized by (Star)		From Where						
Additional Description/Identifying Numbers Written statements by █████ █████ and █████								
E	Code/No EVD 5	Item Description GSR Kit				Brand	Model	
5	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity 3	Value	
Seized by (Star)		From Where						
Additional Description/Identifying Numbers GSR kit for █████ █████ and █████								
E	Code/No EVD 6	Item Description Shoe				Brand Nike	Model	
6	Serial No.	Gun Make	Caliber	Color RED	Narcotics Lab No.	Quantity 1	Value	
Seized by (Star) 10		From Where █████ Romolo						
Additional Description/Identifying Numbers One red Nike Shoe.								
E	Code/No EVD 7	Item Description Sock				Brand	Model	
7	Serial No.	Gun Make	Caliber	Color WHI	Narcotics Lab No.	Quantity 1	Value	
Seized by (Star) 10		From Where 15 Romolo						
Additional Description/Identifying Numbers One white sock.								

100609942

San Francisco Police Department  
PROPERTY LISTINGS

E	Code/No EVD 8	Item Description Glove				Brand	Model	
8	Serial No.	Gun Make	Caliber	Color BLK	Narcotics Lab No.	Quantity 1	Value	
Seized by (Star) 10		From Where 15 Romolo						
Additional Description/Identifying Numbers One black glove.								
E	Code/No EVD 9	Item Description head rag				Brand	Model	
9	Serial No.	Gun Make	Caliber	Color BLK	Narcotics Lab No.	Quantity 1	Value	
Seized by (Star) 2003		From Where Fresno/ Grant						
Additional Description/Identifying Numbers One black head rag.								
E	Code/No EVD 10	Item Description Beanie				Brand	Model	
10	Serial No.	Gun Make	Caliber	Color BLK	Narcotics Lab No.	Quantity 1	Value	
Seized by (Star) 2003		From Where Fresno/Grant						
Additional Description/Identifying Numbers One black beanie.								
E	Code/No EVD 11	Item Description Statements				Brand	Model	
11	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity 10	Value	
Seized by (Star)		From Where						
Additional Description/Identifying Numbers Statements by #10, #1110, #927, #199, #2279, #1717, #1882, #1096, #2326, #375.								
	Code/No	Item Description				Brand	Model	
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
Seized by (Star)		From Where						
Additional Description/Identifying Numbers								
	Code/No	Item Description				Brand	Model	
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
Seized by (Star)		From Where						
Additional Description/Identifying Numbers								
	Code/No	Item Description				Brand	Model	
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
Seized by (Star)		From Where						
Additional Description/Identifying Numbers								

San Francisco Police Department  
NARRATIVE

100609942

On the above date and time Ofc. Murphy #1717 and I responded to a shooting in front of [REDACTED] Columbus. Prior to arriving we were advised by (5X112) Inspector Newman #1481 and (5X111) Sergeant Kasper #68 that they observed the shooting. They advised units responding that they had one suspect detained. The suspect detained was later identified as (B1) [REDACTED]. They also advised units that two other suspects were running on Fresno Street from Grant. They advised units that they were two [REDACTED] (3A113) Sgt. Knight was in the area of Broadway and Romolo when she observed two [REDACTED] running S/B on Romolo from E/B on Fresno. Sgt. Knight detained both subjects who were later identified as (B2) [REDACTED] and (B3) [REDACTED]. As Sgt. Knight was detaining both subjects, [REDACTED] stated, "I've been shot! I've been shot!" Sgt. Knight notified dispatch and requested an ambulance.

Medic 75 responded to the scene. Sgt. Knight learned that [REDACTED] shoe had been struck by a bullet but [REDACTED] sustained no injury. Sgt. Knight seized [REDACTED] (E6) shoe, (E7) sock and (E8) glove (See Sgt. Knight's (E11) statement).

When Off. Murphy and I arrived on scene we observed (V1) [REDACTED] lying on the sidewalk in front of [REDACTED] Columbus and (V2) [REDACTED] lying on the sidewalk in front of [REDACTED] Columbus. [REDACTED] had a gun shot wound to [REDACTED] left leg. [REDACTED] had a gun shot wound to [REDACTED] left foot. Medic 65 arrived on scene and transported [REDACTED] to SFGH. Medic 66 arrived on scene and transported [REDACTED] to SFGH. (3A12E) Officers Shanahan #1818 and Brakel #1763 responded to the hospital with both victims.

Officers Cruz and Chan were approached by (R/V3) [REDACTED] at the scene. [REDACTED] told them that [REDACTED] was walking S/B on Broadway when [REDACTED] felt "something" hit [REDACTED] right foot. [REDACTED] observed a small cut to [REDACTED] right ankle and believed [REDACTED] had been grazed by a bullet. Engine 13 treated and released [REDACTED] at the scene and [REDACTED] was later transported to Central Station.

Inspector Newman advised Officers Lam #2003 and Du #133 that he located a handgun on Fresno just east of Grant. Insp. Newman advised Lam and Du to secure the handgun and set up a crime scene. Officers Lam and Du set up and maintained the (E1) crime scene log.

Off. To #3 started the crime scene log on the 300 Block on Columbus which was maintained by Off. Nazzari #1096.

Units on scene were advised by Insp. Newman that this incident included an officer involved shooting.

(3X300) Captain Fotinos #1136, (3A200) Sgt. O'Leary #1150, (3A105) Sgt. Takaoka #1260 were on scene. (5X201) Lt. Sainez #1667 was also on scene. Lt. Sainez was notified by Insp. Newman of the use of force at 0142 hours. Sgt. Sainez later entered the use of force into the use of force log at Central Station.

Numerous shell casings and bullet fragments were located in front of [REDACTED] and [REDACTED] Columbus.

Sgt. Walsh #1581 and Sgt. Weggenmann #1725 Crime Scene Investigations (CSI) arrived on scene and processed the scene.

Homicide Inspectors Engler #239 and Pierucci #1789 were on scene.

Sgt. Knight met with Sgt. Kasper and advised him that there were two suspects detained in Romolo

Alley. Sgt. Kasper read and signed the cold show admonition. Sgt. Kasper responded to Romolo and viewed [REDACTED] stating, "[REDACTED] was with the shooter."

The following witnesses were located at the scene. (R/V3) [REDACTED] (R/W4) [REDACTED] (R/W5) [REDACTED] (R/W6) [REDACTED] (R/W7) [REDACTED] (R/W8) [REDACTED] (R/9) [REDACTED] (R/W10) [REDACTED] and (R/W11) [REDACTED].

Off. McGrath interviewed [REDACTED] and [REDACTED] at the scene. Off. McGrath later wrote a statement.

Units were on scene were advised by Inspectors Engler and Pierucci to transport all witnesses to Central Station.

3E14E Officers Cronin #2242 and Evans #1602 responded to Central Station. They conducted cold shows with the above listed witnesses who viewed [REDACTED] and [REDACTED] at [REDACTED] Romolo. Inspector Engler later retained all the cold shows.

Off. Weems transported [REDACTED] to Central Station.

Inspectors Engler and Pierucci advised me to have all witnesses transported to 850 Bryant for them to conduct interviews.

(3H12E) Officers Cruz #2326 and Chan #1399 and Captain Fotinos transported all of the witnesses to Homicide at 850 Bryant Street.

Off. Murphy took GRS samples from [REDACTED] and [REDACTED] using a fresh pair of latex gloves at [REDACTED] Romolo. Off. Murphy took a GSR sample from [REDACTED] using a fresh pair of latex gloves at Central Station. Off. Murphy later booked the (E6) GSR kits at Central Station.

(3A44D) Off. Yuen transported [REDACTED] to SFGH for a reverse cold show. Off. Weems transported [REDACTED] and [REDACTED] to SFGH for a reverse cold show.

[REDACTED] refused to do a cold show. [REDACTED] agreed to do the cold show. [REDACTED] understood the cold show admonishment and signed the form. [REDACTED] viewed [REDACTED] and stated, "No. [REDACTED] didn't have a hat and [REDACTED] was [REDACTED]." [REDACTED] viewed [REDACTED] and stated, "[REDACTED] was there but [REDACTED] not the one. [REDACTED] viewed [REDACTED] and stated, "No. [REDACTED] was not there."

After Insp. Newman's car was moved, Off. Lam seized a (E9) head rag and (E10) beanie on the street. Off. Lam booked the items at Central Station as evidence.

Every officer that responded to the scene wrote a (E11) statement.

All the suspects were placed under arrest and transported to Homicide for interviews and to determine the appropriate charges.

Insp. Engler retained the above listed evidence.

Government Code § 6254(f) and Penal Code § 11105 et. seq.

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SG

Government Code § 6254(f) and Penal Code § 11105 et. seq.

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Government Code § 6254(f) and Penal Code § 11105 et. seq.



**GAVIN NEWSOM**  
MAYOR

**POLICE DEPARTMENT  
CITY AND COUNTY OF SAN FRANCISCO**

THOMAS J. CAHILL HALL OF JUSTICE  
850 BRYANT STREET  
SAN FRANCISCO, CALIFORNIA 94103-4603



**GEORGE GASCÓN**  
CHIEF OF POLICE

July 9, 2010

Dr. Joseph Marshall  
President, Police Commission  
San Francisco Police Department  
850 Bryant Street, Room #505  
San Francisco, CA 94103

**COPY**

2010 JUL -9 PM 2:46  
POLICE COMMISSION

Re: Decision to return Inspector John Newman #1481 to his regular assignment following his involvement in an Officer-Involved Shooting #10-005.

Dear President Marshall,

On July 9, 2010, in accordance with Department General Order 8.11, Assistant Chief Kevin Cashman convened the below panel to consider whether it is appropriate for Inspector John Newman #1481 to return to his regular assignment following his involvement in an Officer-Involved Shooting on July 3, 2010. The Return to Duty panel included: Assistant Chief Kevin Cashman of Administrative Services, Assistant Chief Jeffrey Godown of Operations Bureau, Commander John Loftus of Investigations Bureau, Captain Michael Biel of Investigations Bureau, Lieutenant Robert Moser of the Management Control Division, Lieutenant Mike Stasko of the Homicide Detail, and Sergeant Mary Dunnigan of the Behavioral Science Unit.

The panel considered all of the investigative information provided by the Homicide Detail. Sergeant Mary Dunnigan confirmed that the involved member participated in mandatory debriefing as required by Department policy. The Management Control Division made the following recommendations as with all Officer-Involved Shootings: the member should participate in a "Post-Discharge Firearm Debrief" at the Range and Force Options simulator training at the Academy. The panel made the recommendation to return Inspector Newman to his regular assignment.

Based upon all the facts and circumstances known at this time, and after consulting with appropriate Department personnel as described in DGO 8.11, I find that Inspector John Newman should be returned to his regular assignment.

In accordance with Department General Order 8.11, I look forward to discussing my finding and decision with you at the Police Commission meeting on July 14, 2010.

Sincerely,



GEORGE GASCON  
Chief of Police

cc: Director Hicks, OCC

# Memorandum

San Francisco Police Department



**To:** George Gascón  
Chief of Police

COPY

APPROVED YES NO

**From:** Assistant Chief Kevin Cashman  
Administrative Services

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ ☐ ☐

**Date:** Friday, July 09, 2010

**Subject:** Return to Duty Panel Discussion in relation to OIS 10-005

On July 9, 2010 at 13:00 hours, pursuant to Department General Order 8.11, a panel to review OIS 10-005 (SFPD case #100609942) was convened. The incident occurred on July 3, 2010 and the member involved in the discharge was Inspector John Newman #1481 assigned to a plainclothes detail at the Criminal Investigations Unit.

The members involved in this incident were debriefed by the Behavioral Science Unit on July 3, 2010.

The purpose of this panel's review was to determine if it is appropriate to return this member to his regular duty assignment.

The panel considered all of the preliminary criminal investigation information provided by the Homicide Detail. The Management Control Division recommended that Inspector Newman participate in the standard training following all Officer-Involved Shootings. This training will include the following: post-discharge firearm debrief at the Police Range and a modified Force Options simulations training course at the Academy.

The panel unanimously recommended that Inspector Newman be returned to his regular duty assignment without restriction effective after concurrence of the Chief of Police and review by the Police Commission in closed session on July 14, 2010.

Members comprising the panel were as follows:

Assistant Chief Kevin Cashman (Chair) – Administrative Services  
Assistant Chief Jeffrey Godown – Operations Bureau  
Commander John Loftus – Investigations Bureau  
Captain Michael Biel – Investigations Bureau  
Lieutenant Robert Moser – Management Control Division  
Lieutenant Michael Stasko - Homicide Detail  
Sergeant Mary Dunnigan - Behavioral Science Unit

**SFPD RANGE REMEDIATION**

Firearms Discharge

ERIW Discharge

Referred by SGT. MIKE NEVIN #166  
Member Name JOHN NEWMAN Star # 1481  
Member Unit CIU  
Date Completed 7-13-10

Police Range: "Post-Discharge Debrief"

Completed? ☒ YES ☐ NO ☐ N/A

Police Range: "Gun Safety, Weapon Handling and Manipulation"

Completed? ☒ YES ☐ NO ☐ N/A

Police Range: "Engaging Threats In a Moving Vehicle"

Completed? ☐ YES ☐ NO ☒ N/A

Signed by Member

Star # 1481

Signed by Range Staff

Star # 1612

FAX TO M.C.D. UPON COMPLETION

ATTN: Sergeant Mike Nevin #166

SFPD Force Options Training  
Officer-Involved Shooting/Discharge

Member Name INSR. JOHN NEWMAN #1481

Member Unit C10

Date Completed 07/13/10

OFFICER R.K. SETO #4068  
SAN FRANCISCO POLICE DEPT.  
FORCE OPTIONS COORDINATOR  
243 4068

- Reviewed DGO 5.01 and 5.02
- Completed 3 scenario-based training exercises

YES NO  
YES NO

Notes USE OF FORCE 1 [REDACTED] - NON SHOOT  
NYPD DISK 1 [REDACTED] - SHOOT  
OFFICER SURVIVAL SIDE 1 [REDACTED] - SHOOT

Signed by Member

[REDACTED]

Star # 1481

Signed by Academy Staff

[REDACTED]

Star # 4068

FAX TO M.C.D. UPON COMPLETION [REDACTED]

ATTN: Sergeant Mike Nevin #166

# POLICE COMMISSION PRESENTATION



CONFIDENTIAL

RETURN TO DUTY  
OIS 10-005



## OIS #10-005 (PRELIMINARY REPORT)

- DATE: July 3, 2010
- TIME: APPROXIMATELY 0131 HOURS
- PLACE: COLUMBUS AVE AND GRANT ST

Inspector Newman and Sergeant Kasper were on duty in plain clothes and assigned to the Criminal Investigation Unit (CIU). Their primary duties are to respond to all major crimes and assist all Station Investigation Teams (SIT) city-wide.

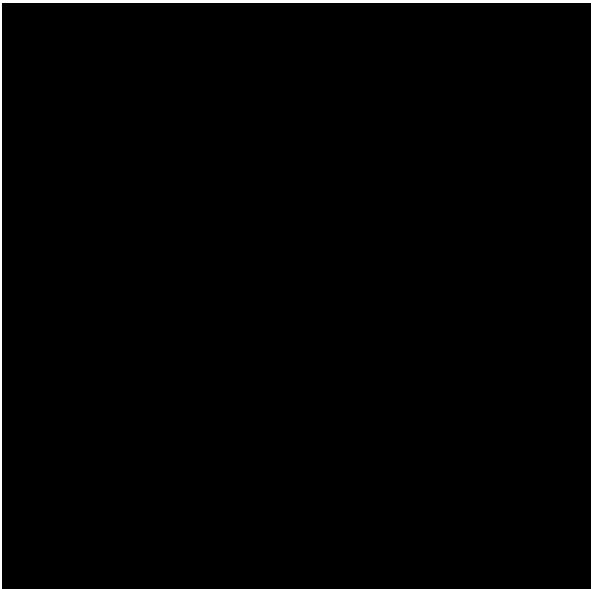
## OFFICERS INVOLVED



Inspector John “Jay” Newman #1481 (5X112)

DOE:  (23 ½ years)

Passenger



Sergeant Jon Kasper #68 (5X111)

DOE:  (14 years)

Driver of unmarked Ford Taurus



## PRELIMINARY FACTS

- They were on patrol, in an unmarked police vehicle driving west on Broadway towards Columbus Ave.
- Sgt. Kasper turned right (north) onto Columbus Ave when their attention was drawn to a large group of 25-30 people.
- Based on their training and experience they saw that this group had possible gang affiliation. They saw people, some wearing red sweatshirts/caps and others wearing blue sweatshirts.

## PRELIMINARY FACTS (cont.)

- Inspector Newman had his window down and heard them ‘mouthing off’ to each other. They were driving parallel to the subjects, approximately 15-20 feet away.
- They observed some type of verbal altercation between the group which escalated to one [REDACTED] taking off [REDACTED] jacket. [REDACTED] started to yell and scream.
- While observing this, Inspector Newman thinks, “looks like there’s something ready to happen” and then he hears Sergeant Kasper say, “What’s up here?”

## PRELIMINARY FACTS (cont.)

- Inspector Newman heard, what he thought were firecrackers, only to see another [REDACTED] shooting at the [REDACTED] who had just taken off [REDACTED] jacket and the people in the area.
- Insp. Newman saw multiple people drop to the ground. Insp. Newman visually “locks on” to the shooter as he turned around and started to walk fast up Grant from Columbus with another subject.

# FIREARMS DISCHARGE

- Insp. Newman was not in tactical position to stop the shooter from a seated position in the vehicle. He exited the vehicle at Columbus/Grant
- Sgt. Kasper drove ahead to cut the shooter off at Grant/Fresno
- Insp. Newman followed the shooter as the shooter was walking along the building line, he saw that business' were closed, took a position of cover and drew his firearm.
- Insp. Newman yelled at the shooter as he identified himself and ordered [REDACTED] to drop the weapon.

## FIREARMS DISCHARGE (cont.)

- Inspector Newman saw the shooter turn towards his direction and pointed the gun at [REDACTED].
- Insp. Newman, “I knew I was in danger, I didn’t know where my partner was, I felt my life was threatened and I feared for my life, I took one shot from approximately 20’ away”
- Insp. Newman missed the shooter but yelled again to get down to the ground. The shooter complied and he detained [REDACTED].

# TIMELINE

- Based on the Inspector's statement; this incident occurred approximately 10 seconds prior to broadcast
- 01:31:28 (5X112) Broadcasts: C/33 217 "Police"
- 01:31:40 (5X112) [REDACTED] Broadway, 1 hurt in front Lil' Darlin's, and gives suspect description
- 01:32:00 (5X112) Units to Fresno and Broadway
- 01:32:20 (5X112) 3A15D broadcasts two susp descriptions
- 01:33:40 (5X112) Advises there are multiple victs and req 3 408's
- 01:35:00 (5X111) Advises founds a discarded weapon
- 01:35:2 (5X112) Advises this is on Officer-Involved Shooting

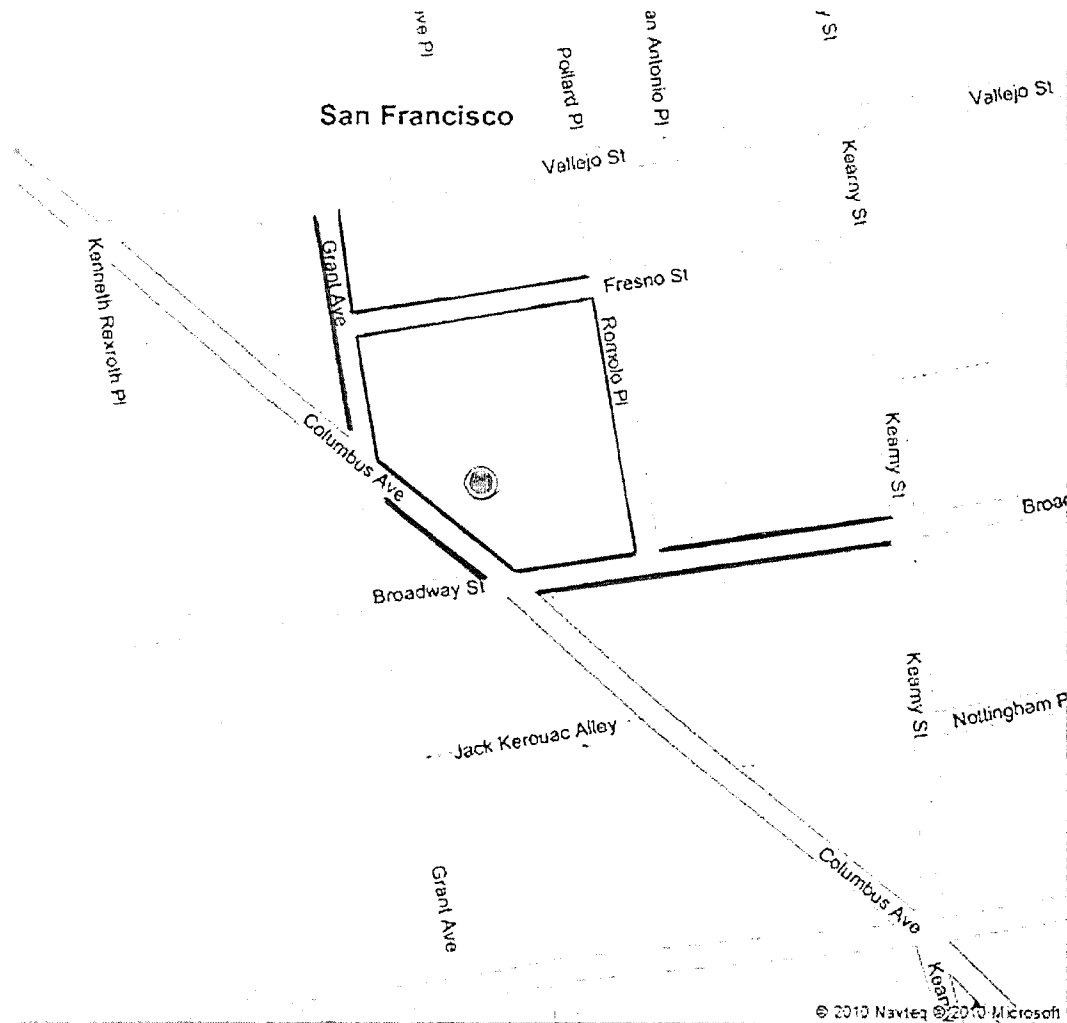


# RETURN TO DUTY PANEL

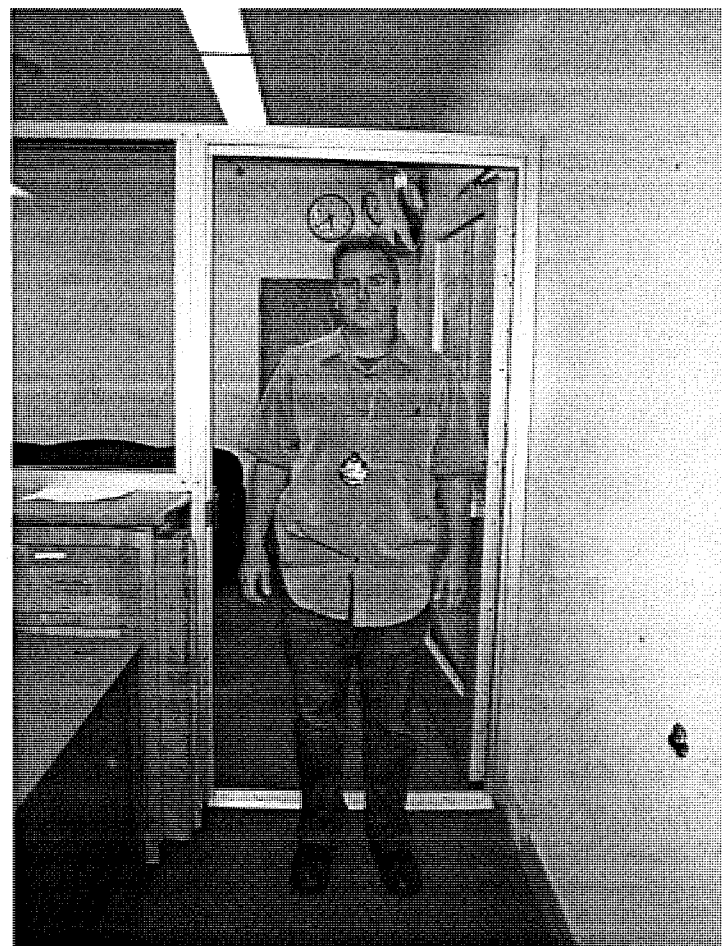
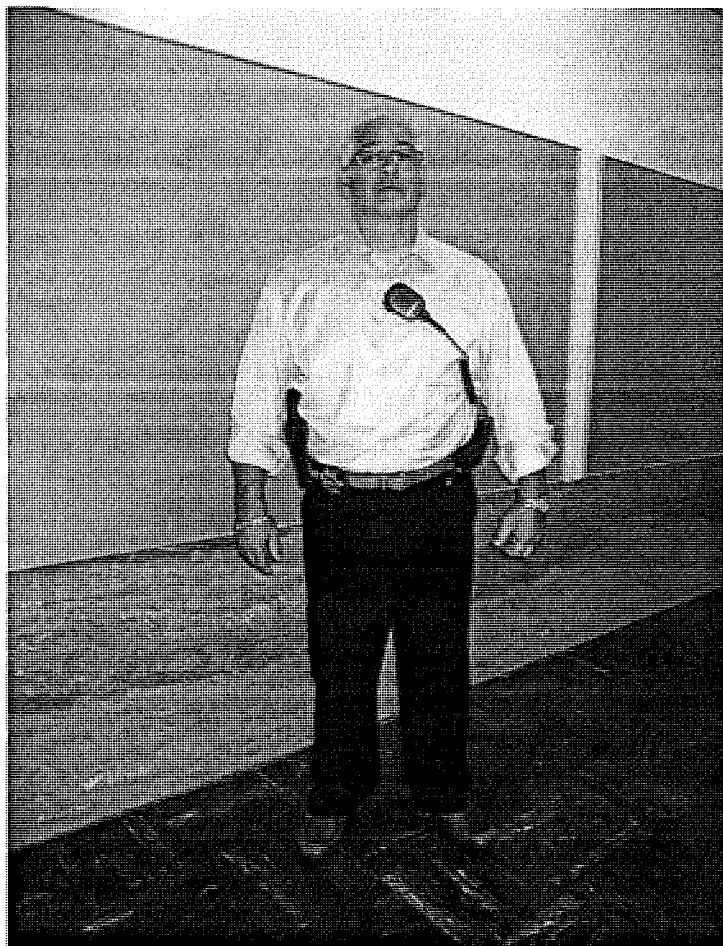
- Panel convened July 9, 2010
- Insp. Newman participated in BSU debriefing – July 3, 2010
- Modified Force Options for Inspector Newman – July 13, 2010
- Range Debrief for Inspector Newman – July 13, 2010
- Inspector to be returned to regular duty assignment following this meeting

# DIAGRAMS AND PHOTOS

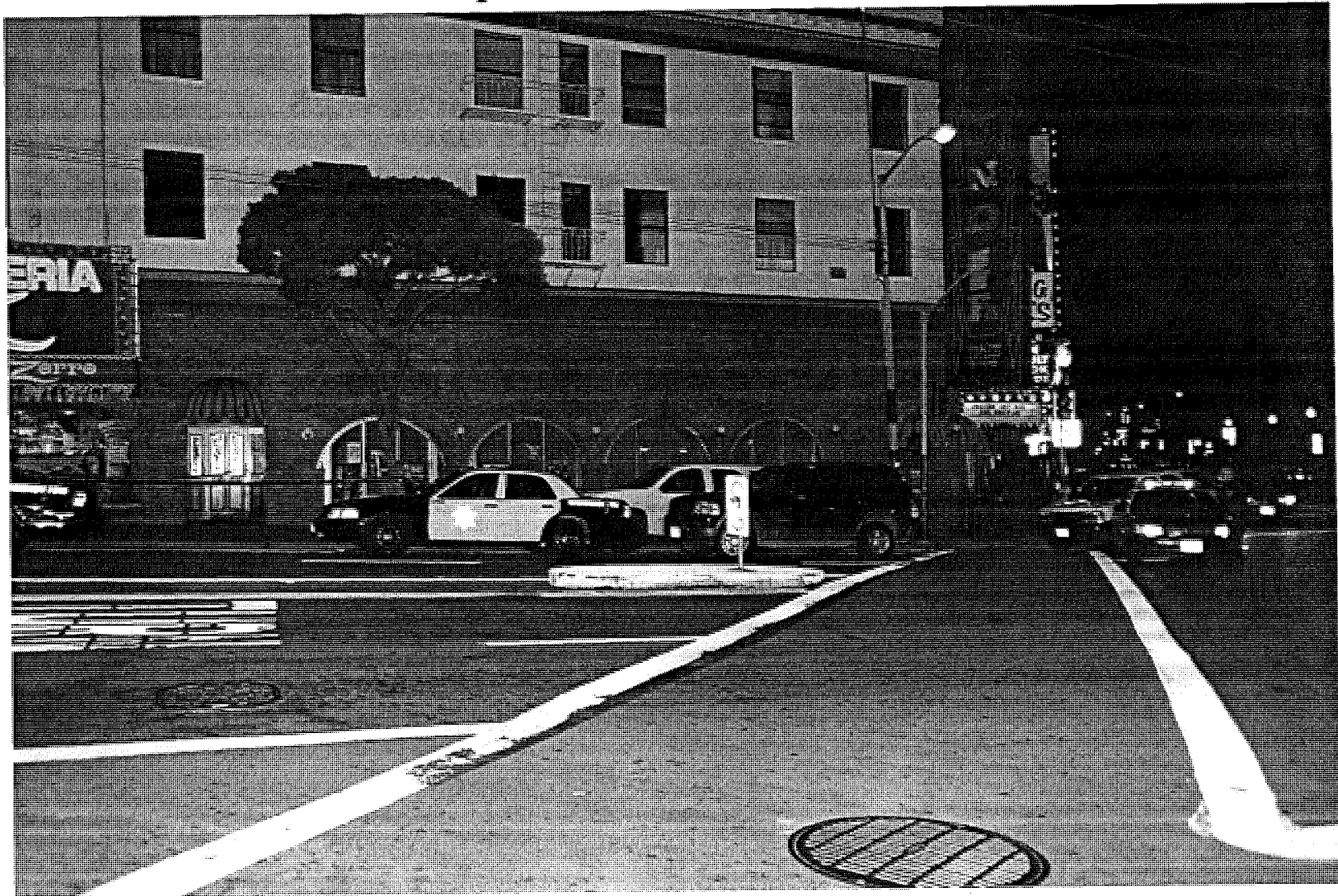
# COLUMBUS AV/GRANT AV



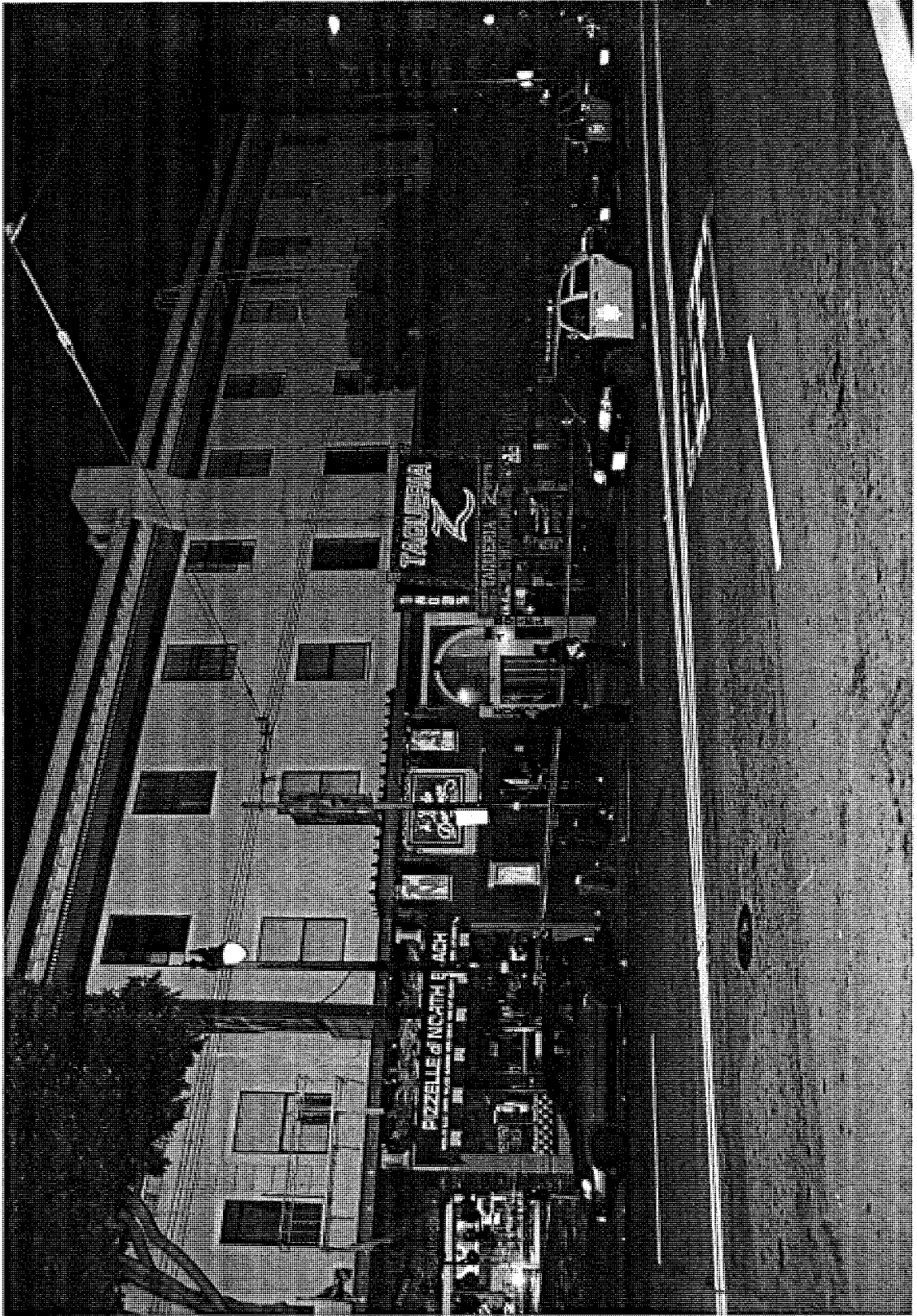
# OFFICERS' ATTIRE



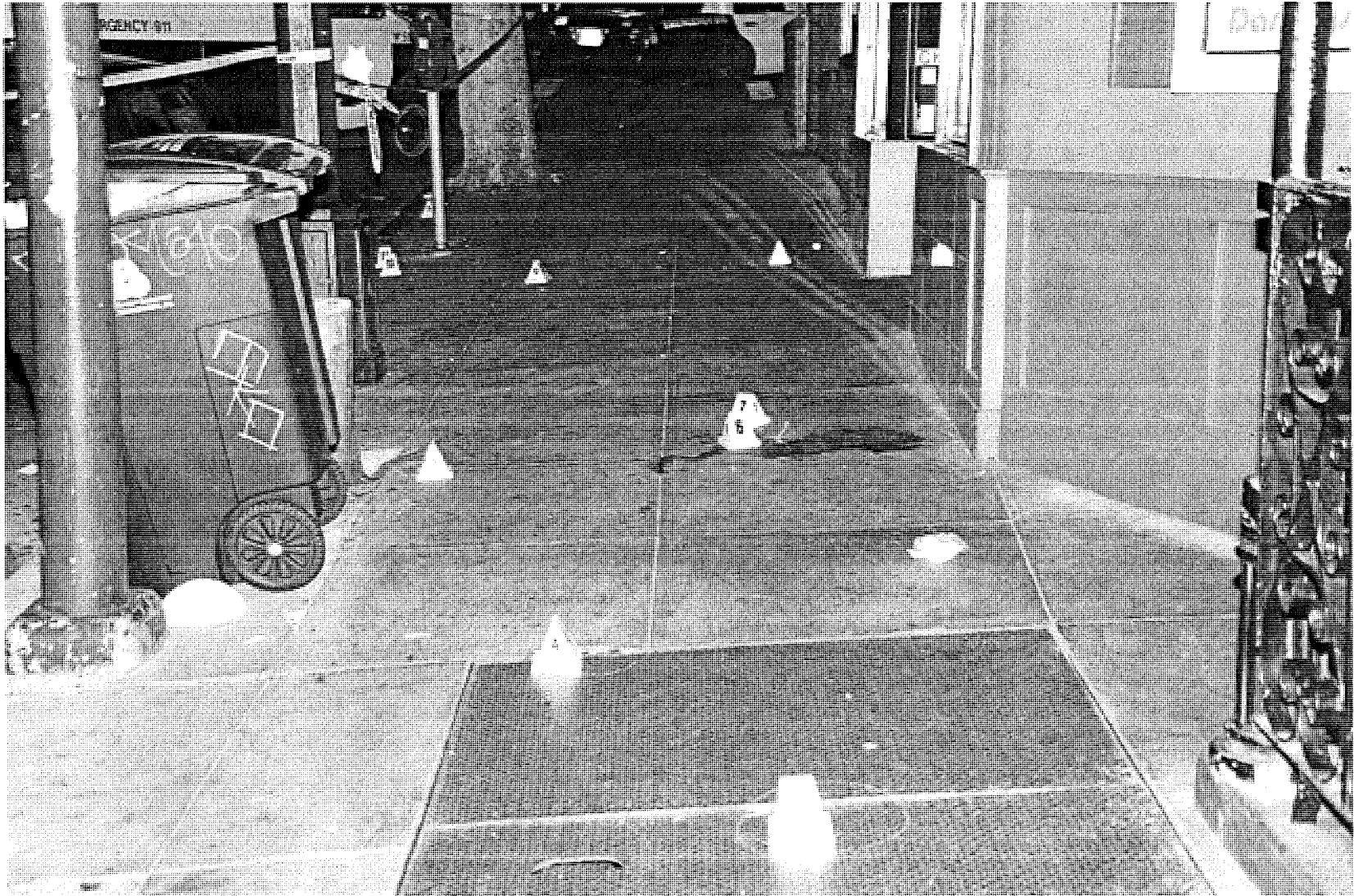
# Broadway and Columbus Av



# Columbus Av



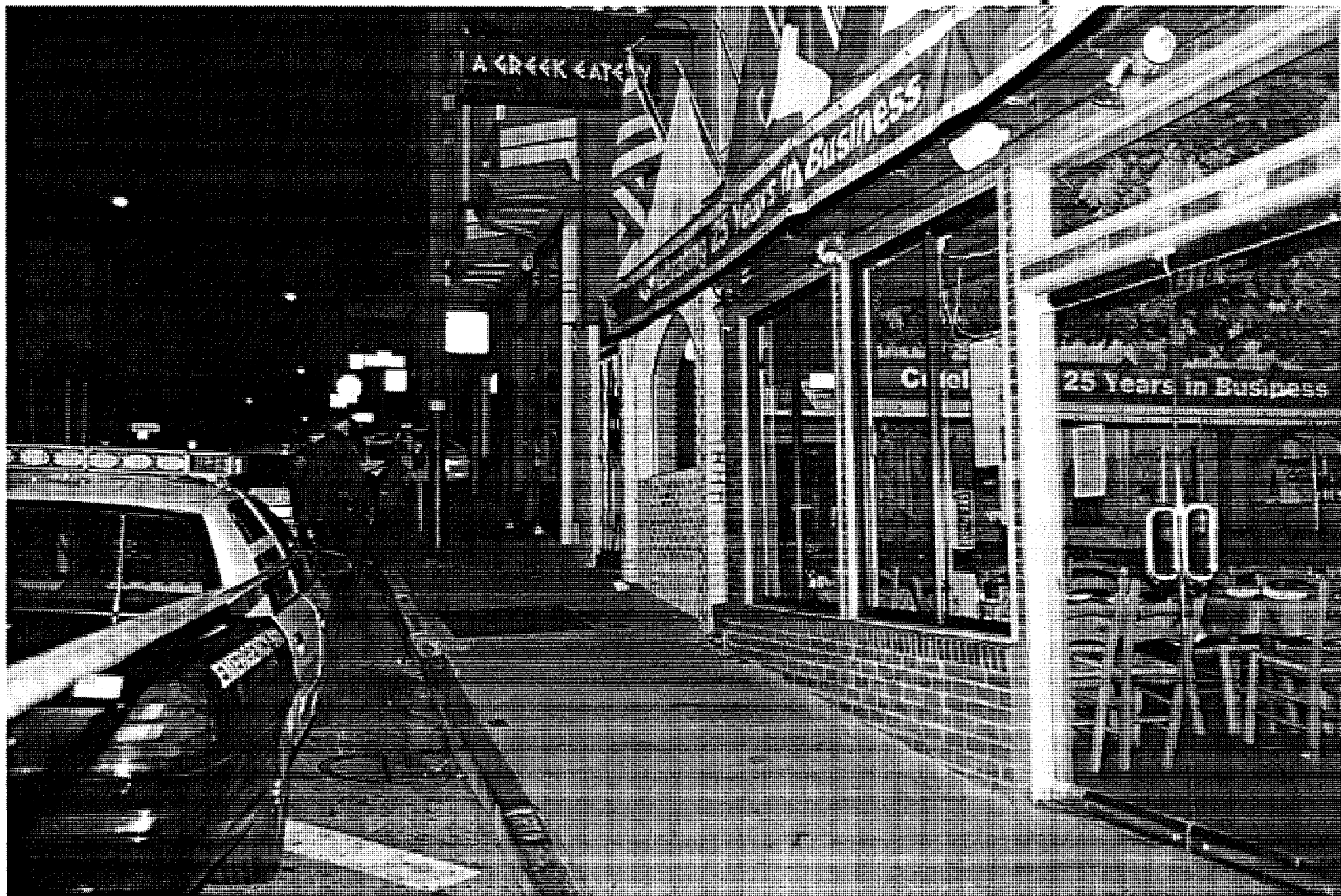
# CRIME SCENE #1 at [REDACTED] Columbus



# Path traveled by shooter/Insp.



# Path continued up



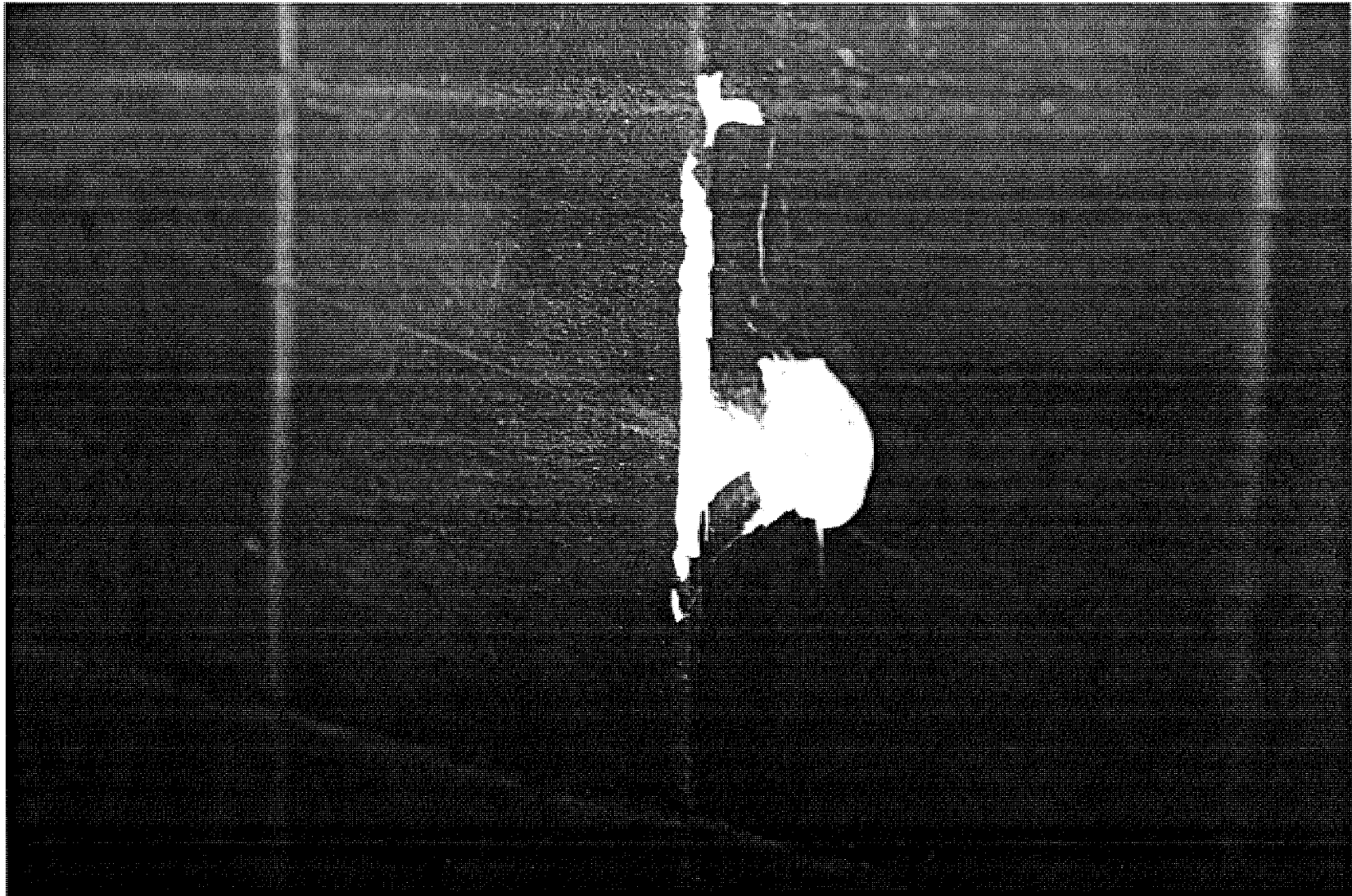
# NEWMAN'S POSITION OF COVER



# FIREARM DISCHARGED



# POINT OF CONTACT



# WEAPON FOUND



# VIDEO

# Memorandum

San Francisco Police Department



**To:** Lieutenant Robert Moser #1434  
Commanding Officer  
Management Control Division

APPROVED YES NO

**From:** Sergeant Martha Juarez #1800  
Management Control Division

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**Date:** July 12, 2010

**Suspect:** Preliminary Investigation Officer-Involved Shooting 10-005  
SFPD Case #100-609-942

**Issue:**

What are the circumstances related to Officer-Involved Shooting 10-005 involving Inspector John Newman #1481?

**Discussion:**

**Incident Overview:**

On Saturday, July 3, 2010 at approximately 0131 hours, Inspector John Newman #1481 and Sergeant Jon Kasper #68 were working together in a plainclothes capacity. Both Officers are assigned to the Criminal Investigations Unit (CIU) and working 1900-0500 hours. Sergeant Kasper was driving an unmarked police vehicle (Ford Taurus) that was not equipped with lights and siren, and Inspector Newman was the passenger. Inspector Newman was not wearing his dress jacket but his Police Star was visible and worn on his belt. He also had his Police mic draped across his body, clearly visible.

Inspector Newman and Sergeant Kasper were on the 300 block of Columbus Av when they both saw a group of 25-30 people engaged in some kind of verbal altercation. Inspector Newman could hear screaming and arguing through his open window; as they were driving parallel to the crowd approximately 15' away in the #2 lane. Inspector Newman thought to himself, "looks like there's something ready to happen" and he recalled Sergeant Kasper say, "What's up here?"

Inspector Newman saw a [REDACTED] take off [REDACTED] coat and start screaming and yelling then heard what he believed were firecrackers but saw another [REDACTED], later known as suspect [REDACTED] holding a gun and shooting numerous times in the direction of the [REDACTED] who was screaming.

Inspector Newman saw multiple people drop to the ground and said he visually 'locks on' to the [REDACTED] who was holding the gun. Sgt. Kasper also saw [REDACTED] shoot into the crowd. [REDACTED] fled N/B Columbus Av to E/B Grant with another subject, identity to be determined.

Inspector Newman was not in a "tactical position" to stop the [REDACTED] from a seated position in the vehicle. Sgt. Kasper drove E/B Grant to cut off [REDACTED] and the other unknown subject. Inspector Newman exited the vehicle on Grant just east of Columbus Av. Inspector Newman chased the [REDACTED] and the other subject up Grant Av from Columbus. Inspector Newman saw both subjects, and yelled out, "Police, drop the weapon!" Both [REDACTED] and the other subject were approximately 20' away from Inspector Newman. [REDACTED] turned to [REDACTED] left facing Inspector Newman. [REDACTED] was holding the gun in [REDACTED] right hand and pointed it in the direction of Inspector Newman. Inspector Newman, fearing for his life, the life of his partner and believing that [REDACTED] may have just committed several homicides, fired his Department-issued firearm at [REDACTED] once. Inspector Newman missed and didn't injure [REDACTED]. The round possibly hit [REDACTED] Grant St but CSI has yet to confirm that belief. There were no other gunshot victims other than those identified in the Police Incident Report.

Inspector Newman detained [REDACTED] and broadcasted the description and direction of travel of the second subject (S/B Fresno). Inspector Newman went back to check on the victims and ordered paramedics. Newman also attempted to preserve both crime scenes until more units arrived. Sergeant Kasper didn't see Inspector Newman fire his weapon at the subject from his position. Sgt. Kasper located a discarded firearm near Fresno and Grant as he was approaching Inspector Newman to assist him.

Per Homicide, three suspects were booked regarding this incident along with the firearm that was located by Sgt. Kasper. Three victims were treated at San Francisco General Hospital for gunshot wounds.

### **Homicide Witness Interviews**

The Homicide Detail has conducted several witness interviews for this investigation.

All interviews conducted by Homicide Inspectors will be included in their report at the conclusion of this investigation.

### **Computer assisted Dispatch (DEM) Records and Recordings**

Per Inspector Newman he wasn't able to broadcast until approximately 5-10 seconds after it had occurred and had one subject detained.

01:31:28 (5X112)	Broadcasts: " C/33 217 Police"
01:31:40 (5X112)	"[REDACTED] Broadway, 1 hurt in front Lil' Darlin's. Gives suspect description
01:32:00 (5X112)	Units to Fresno and Broadway
01:32:20 (5X112)	3A15D broadcasts two susp descriptions
01:33:40 (5X112)	Advises there are multiple victs/req 3 408's
01:35:00 (5X111)	Advises has the weapon
01:35:20 (5X112)	Advises this is on Officer-Involved Shooting

Note: Although [REDACTED] is identified as the shooter, there is some confusion per the DEM recordings. This issue will be addressed at the MCD administrative interview.

### **Crime Scene Investigations (Preliminary Report)**

Sergeants Thomas Walsh and Paul Weggenmann prepared a Crime Scene Investigations report regarding this incident. I was provided a **draft** copy of his diagram and legend.

One (1) Sig Arms, Model SP2340 .40 caliber found at Fresno and Grant Av.

Photos were taken of Inspector Newman and Sergeant Kasper of their attire following the incident.

Lastly, Homicide provided me with a video and audio taken from Viva Pizza located at [REDACTED] Columbus Av.

### Suspect Information

#1. [REDACTED], [REDACTED], [REDACTED], [REDACTED]

Clothing: wearing red baseball cap, maybe a doo-rag underneath cap and dark pants. (Shooter)

**Charged:** 2 cts 664/187PC, 2 cts 245(a)2 PC, 182(a)PC, 186.22(a) PC and 12025(a)(1) PC.

#2. [REDACTED], [REDACTED], [REDACTED]  
[REDACTED], [REDACTED]. Clothing: wearing a black hooded sweatshirt and red sneakers.

**Charged:** 2 cts 664/187PC, 2 cts 245(a)2PC, 182(a)PC, 186.22(a) PC and 12025(a)(1) PC.

#3. [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]  
[REDACTED], [REDACTED]

**Charged:** 32PC, and 1203.2(a) PC

### Officer Training Records and Experience

Inspector Newman was transferred to the Criminal Investigations Unit (CIU) on [REDACTED]. Prior to this assignment, he served as an Investigator at Investigations, General Work, and Homicide detail. ([REDACTED])

Inspector Newman was also assigned to the Crime Prevention Unit/TAC from [REDACTED] through [REDACTED]. During his time there he took part in numerous high risk search warrants, he deployed teams to respond and contain critical incidents, and he served as the Active Shooter Instructor who trained numerous members of the SFPD police personnel.

Sergeant Kasper was transferred to the Criminal Investigations Unit (CIU) on [REDACTED]. Prior to this assignment, he served as a Sergeant at the Mission Station. Kasper was promoted to the rank of Sergeant on [REDACTED]. His prior assignments include Narcotics from [REDACTED] [REDACTED], [REDACTED] and FOB from [REDACTED].

See attached personnel and training records.

### **Homicide Investigation**

This is an on-going criminal investigation. Inspector Gianrico Pierucchi, Homicide Detail, is the lead investigator with Inspector Joseph Engler. Information and witness interviews are still being gathered. The Homicide report and District Attorney findings will be sent to this office upon completion.

### **Conclusion:**

The following statute and Department General Order provisions should be considered in the evaluation of this investigation:

#### **Penal Code Section 835a:**

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance.

A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

#### **San Francisco General Order 5.01 (Use of Force)**

#### **D. CATEGORIES OF FORCE TO EMPLOY (IN ASCENDING ORDER OF GRAVITY)**

1. When the use of force is necessary and appropriate, officers shall, to the extent possible, utilize an escalating scale of options and not employ more forceful measures unless it is determined that a lower level of force would not be adequate, or such a level of force is attempted and actually found to

be inadequate. The scale of options, in order of increasing severity, is set forth below:

- a. Verbal Persuasion
- b. Physical Control (e.g., passive resister, bent wrist control, excluding the carotid restraint)
- c. Liquid Chemical Agent (Mace/Oleoresin Capsicum)
- d. Carotid Restraint
- e. Department-Issued Baton
- f. Firearm

2. It is not the intent of the order to require officers to try each of the options before escalating to the next. Clearly, good judgment and the circumstances of each situation will dictate the level at which an officer will start. Officers using any type of force are accountable for its use.

#### **San Francisco General Order 5.01**

### **F. CIRCUMSTANCES JUSTIFYING THE USE OF FORCE**

1. Officers may use force in the performance of their duties in the following circumstances:

- a. To prevent the commission of a public offense.
- b. To prevent a person from injuring himself/herself.
- c. To effect the lawful arrest/detention of persons resisting or attempting to evade that arrest/detention.
- d. In self-defense or in the defense of another person.

#### **San Francisco General Order 5.02**

### **C. DISCHARGE OF FIREARMS**

1. **REASONABLE METHODS OF APPREHENSION.** Officers shall not discharge a firearm in the performance of their duties except in the circumstances described below in Section I. C. 2. and only after all other reasonable methods and procedures of apprehension and control have failed. "Other reasonable methods and procedures of apprehension and control" shall be based upon the officer's capabilities at the time of the discharge, the nature and immediacy of the threat, the extent of the threat to

innocent persons, the nature of the crime, and the suspect's reputation for violence.

2. PERMISSIBLE CIRCUMSTANCES. Officers may discharge a firearm in any of the following circumstances:

a. In the necessary defense of himself/herself when the officer has reasonable cause to believe that he/she is in imminent danger of death or serious bodily injury.

b. In the necessary defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury.

c. To make an arrest when:

(1) The officer has reasonable cause to believe that the suspect has committed or attempted to commit a felony involving the use or threatened use of deadly force; and

(2) The officer has reasonable cause to believe that a substantial risk exists that the person to be arrested will cause death or serious bodily injury if his/her apprehension is delayed; and

(3) After all other reasonable means of apprehension and control have been exhausted.

d. To kill a dangerous animal or one that is so badly injured that humanity requires its removal from further suffering, and where other alternatives are impractical.

e. To give an alarm or to call for help for an urgent purpose when no other means can be used.

3. VERBAL WARNING. If feasible, and if to do so would not increase the danger to the officer or others, a verbal warning to submit to the authority of the officer shall be given prior to the use of deadly force.

4. ENDANGERING THE PUBLIC/RECKLESS DISCHARGE. Officers shall take extreme care when discharging their weapons so as not to endanger innocent persons or jeopardize property. The discharging of firearms in a reckless and irresponsible manner, or while under the

influence of any substance likely to impair physical or mental processes, is prohibited and subject to disciplinary action by the Department, whether the incident occurs within or outside the City and County limits.

5. PROHIBITED CIRCUMSTANCES. Officers shall not discharge firearms under any of the following circumstances:

- a. As a warning.
- b. At or from a moving vehicle unless the circumstances come within the provisions as set forth in Section I., C., 2., a., b., c. of this order.
- c. In misdemeanor cases, except if the circumstances come within the provisions as set forth in Section I., C., 2., a., b. of this order.
- d. In circumstances that do not require police action
- e. At a moving vehicle with the intent to disable it.

The preliminary findings indicate that Inspector Newman discharged his firearm believing that he was in imminent danger of death or serious bodily injury. This investigation will examine whether or not he had “reasonable cause” to believe so.

At the time of this preliminary Memorandum, Inspector Newman has not yet been interviewed for the administrative investigation.

**Recommendation:**

On July 9, 2010 at 1300 hours, the Return to Duty convened and unanimously voted to have Inspector Newman return to duty.

Regarding Officer-Involved Shooting, the Management Control Division recommends that Inspector Newman respond to the Police Range for a “Post-Discharge Firearm Debrief” and the Academy for Force Options simulator training prior to being returned to his regular field assignment. This training should not be considered punitive.

I recommend that this investigation should proceed according to guidelines set forth in Department General Order 8.11.

**Attachments:**

Officers' synopsis during their Homicide interviews.

OIS 10-005

**Initial notes from Homicide interview w/Inspector Newman**

**Date:** 7/3/2010

**Time:** 1654

**Case #**100 609 942

**Officer Involved:** Inspector John Newman #1481

**Interviewed by:** Insp. Pierucchi and Engler. Also present: Jimmy Posada, DAI, Shea, POA Attorney. Viewing interview: Sharon Woo, DA's office and Carlos Sanchez, DAI

**Current Assignment:** CIU plainclothes capacity / 1900-0500. Primary duties to assist all Sit teams at the Station level and handle all major crimes city-wide

**DOE:** [REDACTED] – 23 ½ years w/SFPD

At approximately 0130 hours they are driving in the area of Broadway/Columbus. Sgt. Kasper was the driver and he was the passenger in an unmarked Ford Taurus. Sergeant Kasper took a right after Romolo up Columbus. Driving along w/traffic; slowly.

Newman's attention is drawn to a large group of 25-30 people on the sidewalk. Newman stated the group was together. They were young 20 to 38yrs max. Based on his training and experience, he recognized them to be gang affiliated; some in red sweatshirts and red caps and blue sweatshirts.

In Newman's mind, "Could see issues". All were moving in the northbound direction on Columbus Ave. Inspector Newman saw two [REDACTED] run into the strip joint at [REDACTED] Columbus immediately. He wouldn't be able to describe the first [REDACTED] but the second [REDACTED] was small.

During their observations, Insp. Newman and Sgt. Kasper are still in the car passing a bus stop in the #2 lane on Columbus. Newman had his window down. He described how he always has his window down and heard the subjects mouthing off to each other. He then says they are 15-20 feet away from the group as they were parallel to them in the police vehicle. Inspector Newman saw a [REDACTED] take off [REDACTED] coat and noticed [REDACTED] was wearing a white tank top. [REDACTED]'s yelling and screaming. Inspector Newman now thinks, 'looks like there's something ready to happen'. Inspector Newman keeps his attention on group, and remembers hearing Sergeant Kasper saying, "What's up here?" Sergeant Kasper drives N/B on Columbus to Grant.

Inspector Newman heard, what he thought were firecrackers but described seeing another [REDACTED] facing Columbus St firing a gun. [REDACTED]'s firing shots at the [REDACTED] who had taken off [REDACTED] jacket; he then saw multiple people drop to the ground. Inspector Newman says he didn't have a safe opportunity to shoot or identify himself from the police vehicle.

Inspector Newman saw the shooter pull up [REDACTED] pants up and described how [REDACTED] never took off in a sprint. Newman remembered thinking, "Looks like [REDACTED] s shooting randomly at persons indiscriminately".

Sgt. Kasper drove up Grant to Fresno to cut off the shooter. Newman said he kept his eyes on the shooter but also described seeing many people fleeing in the same direction as the shooter. Newman got out of the police car. The shooter 'sagged' [REDACTED] way up Grant and it looked like [REDACTED] was going to meet with another person. The shooter was by the bldg line and Newman wanted to 'slice the pie' as he was tactically trained. He saw a closed business in front of him so he took a position of cover, drew his Department-issued weapon, and yelled to the suspects. He identified himself as Police and ordered [REDACTED] to "drop the fucking gun".

The shooter appeared to be meeting up with another [REDACTED]. They were offset next to each other. Newman said, "Police". The shooter turned to [REDACTED] left, facing Newman pointing a gun towards his direction. Newman said, "I knew I was in danger, I didn't know where my partner was, I felt my life was threatened, I feared for my life and I took 1 shot approximately 20' away".

Insp. Newman was asked to describe the shooter and he says, "Wearing a red cap and a 'doo-rag' under it. [REDACTED] s wearing a purple or burgundy sweat shirt and blue jeans or dark pants. [REDACTED] had a [REDACTED] complexion and unknown if [REDACTED] had [REDACTED] hair."

Insp. Newman fired and again ordered the shooter to drop to the ground and the shooter complied. Newman's actions after the shooting were to get on the radio. He saw multiple victims in the street and not enough police on scene yet. He recalled Officer Yuen was on scene and told him to watch the shooter.. He went to check on his partner, who was ok and gave out two descriptions to HQ of the suspects he saw flee on Fresno to Romolo

Newman called for many 408's (ambulances) and then saw a bunch of officers arrive. Initially, Newman knew he had two crime scenes. The 1<sup>st</sup> scene was at [REDACTED] Columbus in front of the strip joint. The second was his crime scene where he fired the shot ([REDACTED] Grant).

Newman returned to the shooter. He verified [REDACTED] wasn't injured and asked if [REDACTED] needed medical aid. He conducted a pat search for weapons and told Officer Yuen to cuff the shooter.

Newman was asked what he was feeling and he says, "I knew I had to stop [REDACTED]". Insp. Newman said he saw the shooting and the shooter and he knew who the shooter was, "[REDACTED] was harmful to human life". Newman continued to say words to the effect: You want to stop the threat but I couldn't draw from my vehicle. There were too many others in the area. I know this person may have just committed multiple homicides.

Newman was asked if the suspect responded to his orders. Insp. Newman said, "My main thing was to focus directly on the [REDACTED] with the gun.

Insp. Newman was asked if the person with the gun had the weapon and his response was he saw the shooter with another [REDACTED] Insp. Newman didn't know the weapon was transferred off. But the gun was found by Sgt. Kasper; who had another Officer secure it. The gun was recovered approximately 2 businesses away from initial contact.

Insp. Newman reiterated the person he detained was the person he saw fire off the gun. Newman didn't know if he hit the suspect but did say he only fired one round. Insp. Newman gave orders, he saw a threat and got around off very fast. Newman said he didn't even have his sites on the shooter and he didn't expect 221 to become a target. The shooter went down to the ground and complied w/Newman's order after the shot fired.

When asked about the second subject, he described how he went up Grant St to the top of Fresno and at the vortex where it intersects with Romolo. His perception was 'pretty close'. They (outstanding suspects) were in the area of the parking lot. Newman described them running hard and just made it to the parking lot. He remembers them in dark clothing.

Inspector Newman viewed and made markings on a Google map copy of the area of the shooting..

Inspector Newman was asked about his training and he said the following: 8 years with Tac. He was involved with deploying teams to contain critical situations. He was an Active Shooter trainer and trained numerous Officers in the Dept. He's been taught how to go after an active shooter and he tried to apply this training to this situation but didn't have enough personnel to do it. He stated, 'I picked my spot to take [REDACTED] on, to protect my partner, myself and other people in the area. [REDACTED] (the suspect) was shuffle walking, fleeing from the area and I was in fear [REDACTED] was going to shoot others.'

Newman described his instincts, when he initially saw the yelling and grouping form. He wanted to hit his air horn but his vehicle was not equipped with it. He felt the use of deadly force was not permissible at the time of the first shooting since there were too many people on the street.

The time elapsing from initial on-view to shooting was less than 10seconds. Insp. Newman didn't have time to call C/33. He felt it was not tactically sound until after the shooter was in custody. Insp. Newman remembered, 'having many hats on'. Giving description to Communications, securing his own weapon, requesting ambulances for the victims, he called his Lt., Lt. Sainez and requested CSI.

Newman attempted to keep persons from disturbing the crime scenes. He had to move his own casing because a couple that was walking on Grant and kicked his casing onto the street. He went to retrieve it before it was lost by a passing vehicle. Newman turned over the casing to Lt. Sainez and CSI team. Inspector Newman does not have any knowledge if other Officers fired their weapons.

Mr. Posada asked Newman what was in his mind and Newman answered, "Stop the force, stop the threat, make sure the person pointing the gun behind me didn't get shot"

Insp. Newman was asked to show how he saw the shooter interact with the other subject. Insp. Newman physically got up and with POA attorney, Shea, showed how the shooter and other suspect meet up. The 2<sup>nd</sup> subject looks as though ■ waiting for the shooter to catch up. The shooter is near the bldg line and 2<sup>nd</sup> suspect is on the street side. As they meet that's when Newman makes his verbal orders. The shooter turns to ■ left holding the gun in ■ right hand, with that arm interlocked with the other subject's right hand and points it at Insp. Newman.

Newman recalled the shooter was going backwards as ■s shooting at the victims. The shooter has the gun in ■ hand and ■ arm is fully extended. He cannot recall if the gun was pointed upright or canted. Insp. Newman believes the shooter shoots with ■ right hand, but not 100% sure.

Inspector Newman finally states he saw the shooter turn from 1 victim to the next victim to the next victim.

Interview ends at 1809 hrs.

**Homicide Interview: Jon Kasper #68**  
**Synopsis of interview**

Voluntary statement 07/03/2010

Inspectors Engler #239 and Pierucci #1604

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Sergeant Kasper said that he was working with Inspector Newman #1481 on 07/03/2010 and assigned to the Criminal Investigations Unit, a Plainclothes Unit. Sergeant Kasper said that they were on patrol in the area of Columbus Street and he was the driver of the vehicle north bound on Columbus from Broadway. Sergeant Kasper said that they saw a group of people in a verbal argument, "People were yelling Frisco", throwing gang signs, and one person in the group had a red cloth belt hanging down. The suspect and friends were on the left of Little Darlings Club arguing with a group of people to the right of Little Darlings Club. A person who was wearing a red baseball cap pulled out a black semi auto gun and began to fire the gun south bound on Columbus. The suspect was backing up as ■ was shooting at people; a ■ behind the suspect in a black sweat shirt with a glove on ■ hand was pulling the suspect backwards. A person in a white shirt with a red cloth belt was also with the suspect. Sergeant Kasper said that he observed this from fifteen feet away. The suspect fired between four to six shots and people were running away from the suspect. Sergeant Kasper said that he could not shoot the suspect who was shooting at people for the following reasons. He was in the drivers seat of the vehicle and would have to shoot across Inspector Newman; the suspect was in front of a pizza shop and there were customers inside.

The suspect made eye contact with Sergeant Kasper and took off running north bound on Columbus and a right onto Grant Street. Sergeant Kasper said that he followed the suspects onto Grant Street. Inspector Newman got out of the vehicle near the corner of Grant and Columbus, Sergeant Kasper continued up the block to cut off the suspects escape route at Fresno Street. Sergeant Kasper lost sight of Inspector Newman between two cars as he drove forward. Sergeant Kasper heard Inspector Newman Say "Drop the Gun". Sergeant Kasper heard 1-2 shots, but did

not see the shooting. Sergeant Kasper got out of the vehicle, took the suspect with the red hat down to the ground and placed [REDACTED] in handcuffs. Sergeant Kasper heard Inspector Newman said the suspect handed the gun off and the suspects were going down Fresno. Sergeant Kasper said that he located a gun on the ground at Fresno and Grant.

# Penal Code § 832.7(a)

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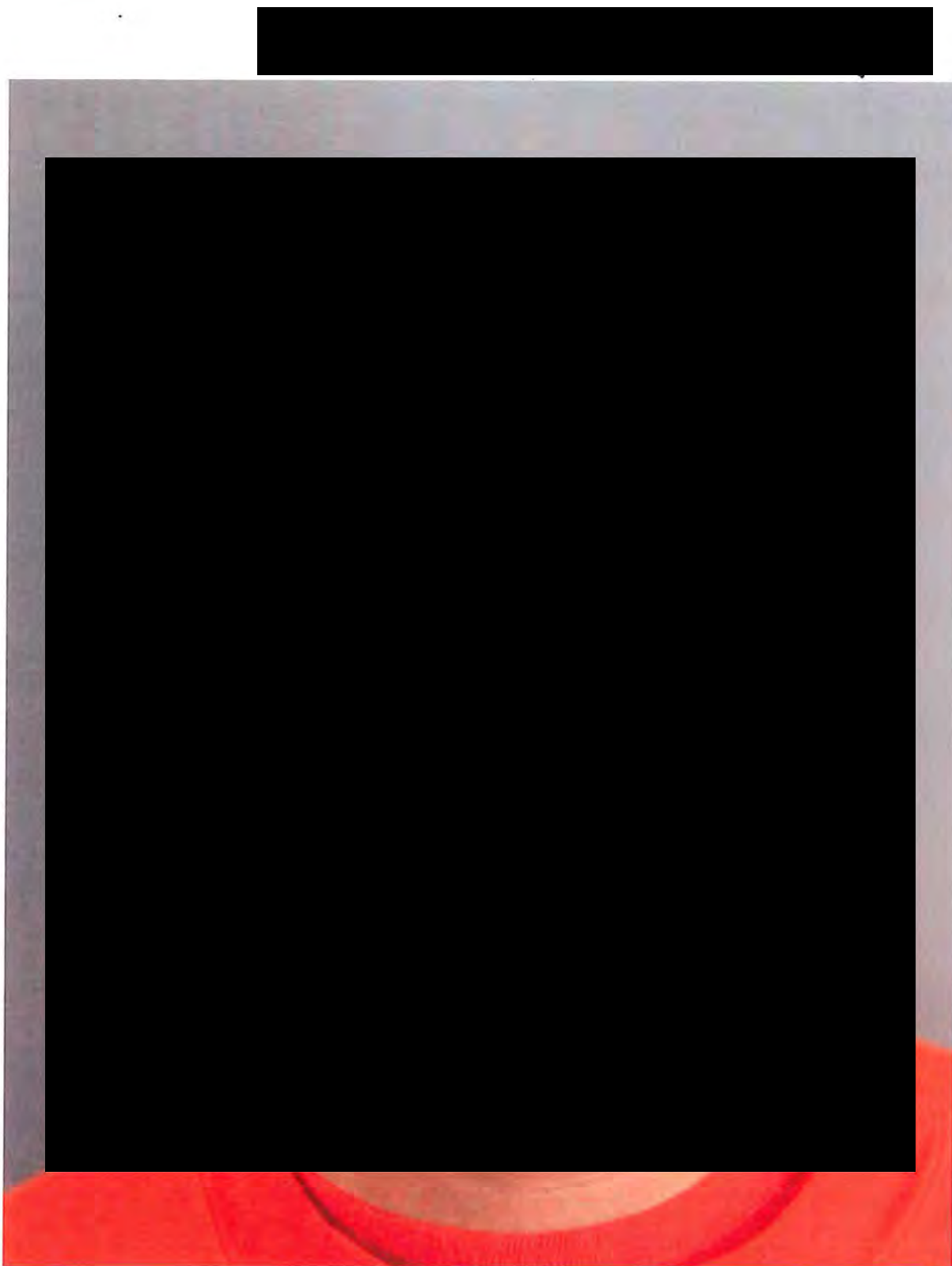
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# Penal Code § 832.7(a)



CASE # <b>100-609-942</b>	<b>SAN FRANCISCO POLICE DEPARTMENT CRIME SCENE RESPONSE FORM</b>					DATE / TIME RECEIVED	
						DATE / TIME REQUESTED	
	OFFENSE: <b>217 / OIS</b>	ARREST MADE <input checked="" type="checkbox"/>	REQ BY <b>SULLIVAN</b>	STAR <b>1761</b>	UNIT <b>3A14E</b>	N/R CARD LEFT <input type="checkbox"/>	DATE/TIME <b>/</b>
	COMPLAINANT <b>SFPD</b>			PHONE		RUNDATE <b>07/03/10</b>	ARRIVAL TIME <b>0225</b>
	LOCATION OF RUN <b>██████████ Broadway</b>					CSO / STAR <b>WALSH #1581</b> <i>[Signature]</i>	
REMARKS / INSTRUCTIONS <b>Officer involved shooting</b>					CSO / STAR <b>WEGGENMANN #725 PW 725</b>		

PHOTOS:    NO <input type="checkbox"/> BY C.S.I. <input type="checkbox"/> BY PHOTO LAB <input checked="" type="checkbox"/> BY RESPONDING OFFICER <input type="checkbox"/>
---

LATENT FINGERPRINT PROCESSING RESULTS:			
LATENT PRINTS DEVELOPED: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>		# OF LIFT CARDS <b>0</b>	PROCESS USED: SEE 235E FORM
AFIS QUALITY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> TBD <input type="checkbox"/>		AFIS ENTRY DATE:            N/A <input checked="" type="checkbox"/>	ID MADE: Y <input type="checkbox"/> (SEE 235D)    N <input checked="" type="checkbox"/>
UNIDENTIFIED USEABLE LATENTS REMAINING IN FILE? Y <input checked="" type="checkbox"/> N <input type="checkbox"/> TBD <input type="checkbox"/>		AS OF (date) 07, 09, 2010	

COMMENTS/ NOTES/ P.O.E.
See crime scene report.
Partial print lifted from magazine of suspect gun.

CHECK ALL FORMS ATTACHED TO THIS REPORT:	
<input checked="" type="checkbox"/> FIREARM INFORMATION REPORT (235A)	<input type="checkbox"/> BIOLOGICAL EVIDENCE COLLECTION REPORT (235B)
<input type="checkbox"/> GUNSHOT RESIDUE REPORT (235C)	<input type="checkbox"/> COMPARISON REQUEST & ID FORM (235D)
<input checked="" type="checkbox"/> EVIDENCE INVENTORY (235E)	<input type="checkbox"/> VEHICLE PROCESSING REPORT (235F)
<input checked="" type="checkbox"/> CRIME SCENE REPORT / NOTES	<input checked="" type="checkbox"/> CRIME SCENE DIAGRAM
<input checked="" type="checkbox"/> X & Y COORDINATES	<input checked="" type="checkbox"/> OTHER Rough Notes
(IF BOXES ARE NOT CHECKED, NO ADDITIONAL INFORMATION IN <u>INITIAL</u> C.S.I. REPORT)	

**SAN FRANCISCO POLICE DEPARTMENT**  
**Crime Scene Investigations Unit**  
**Crime Scene Report**



**Incident:** Officer Involved Shooting  
**Case Number:** 100-609-942  
**Location:** [REDACTED] Broadway  
**Date:** July 3, 2010  
**Prepared by:** Sergeant Weggenmann #725

***I. Purpose of Response***

Sergeant Walsh #1581 and I responded to the area of [REDACTED] Broadway upon a report of an officer involved shooting. We arrived at approximately 0225 hrs. and met with Sergeant O'Leary #1150 who walked us through the scene. Sergeant Walsh placed numbered markers next to items of evidence while I made hand written notes and diagrams of what I observed. Officer Gomes #911 of the Photo Lab responded to take photographs and to video tape the scene.

***II. Scene Description***

The area of [REDACTED] Broadway was very well lit with lighting from open businesses, signage, street lamps and from headlights of vehicular traffic. The scene primarily encompassed the north side of the 300 block of Columbus, the east side of the 1200 block of Grant St and the unit block of Fresno St. Items of evidence were found mostly on or near the sidewalks of these streets. It was a cool and clear night. This area was heavily populated with businesses, apartments, vehicular and pedestrian traffic which is typical of this area, especially on a Saturday evening/Sunday morning. Numerous police units were on scene and yellow police tape secured the scene.

***III. Observations***

Upon arrival I observed items of evidence had been temporarily marked with folded pieces of paper, presumably by responding patrol officers. The trail of evidence began in the 300 block of Columbus near Broadway with a stain of apparent blood in the street near the sidewalk and a bullet fragment next to this stain. There were numerous bullet fragments and casings strewn along the north sidewalk of Columbus Street. The scene continued north on the east side of the 1200 block of Grant Street. At [REDACTED] Grant Street I observed a possible bullet strike on the exterior wall approximately seventeen inches off the ground. An unidentified officer at the scene told me he believed the possible bullet strike on the wall could have been caused by an officer who had fired at a suspect. A few feet farther north on the sidewalk were some small bullet fragments. At the south/east corner of Grant/Fresno two officers were guarding a pistol which was in the street at the

sidewalk. I observed that this pistol's hammer was in the cocked position. On Grant Street in the lane of traffic, stopped, facing north with the engine off, was a silver Ford Taurus ([REDACTED]). The Taurus was angled to the right towards the sidewalk.

Lieutenant Sainez #1667 told me that Inspector Newman #1481 had fired, what he believed was, a single shot at a suspect. Inspector Newman, after firing, collected the casing, which he believed came from his gun, from the ground and secured it in his pocket.

#### ***IV. Evidence Collected***

Sergeant Walsh and I took measurements of all items of recovered evidence. Officer Gomes photographed and video taped the scene. Sergeant Walsh collected the numbered items of evidence, secured them in the back of his vehicle and transported them to the Hall of Justice where they were processed and booked accordingly.

Sergeant Walsh and I later responded to the Homicide Detail to collect Inspector Newman's service pistol. Prior to handing me his pistol, Inspector Newman rendered it "safe" by removing the magazine and locking the slide to the rear. As he did so, I observed a single cartridge eject from the chamber of his pistol. Inspector Newman handed me his empty pistol, the magazine from his pistol, the extra magazine he was carrying on his person, the cartridge that ejected from the chamber and the cartridge casing, he had collected earlier, from his pocket. I later examined the pistol and related items and documented the results on the Firearm Information Report found in the supplemental section of this case file.

INCIDENT NUMBER:

100-609-942

LOCATION:

**Broadway**

DATE:

07/03/10

C.S.I.:

Walsh / Weggenmann *RN*

**STAR:**

1581 / 725

**SAN FRANCISCO POLICE DEPARTMENT  
C.S.I. EVIDENCE INVENTORY & PROCESSING**

EVIDENCE PAGE 1 OF 3

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING F FREEZER S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
1A	Bullet fragment	In street / 300 block of Columbus Area #1 in photos	1581	B	N/A	N/A	7/03/10
1B	Suspected blood stain	In street / 300 block of Columbus Area #1 in photos	1581	S	N/A	N/A	7/03/10
2	Bullet fragment	In street / 300 block of Columbus Area #2 in photos	1581	B	N/A	N/A	7/03/10
3	Bullet fragment	On sidewalk / 300 block of Columbus Area #3 in photos	1581	B	N/A	N/A	7/03/10
4	Bullet fragment	On sidewalk / 300 block of Columbus Area #4 in photos	1581	B	N/A	N/A	7/03/10
5	U.S. Coin (quarter)	On sidewalk / 300 block of Columbus Area #5 in photos	1581	PB	BP	-	7/03/10
6A	Bullet fragment	On sidewalk / 300 block of Columbus Area #6 in photos	1581	B	N/A	N/A	7/03/10
6B	Suspected blood stain	On sidewalk / 300 block of Columbus Area #6 in photos	1581	S	N/A	N/A	7/03/10
7	U.S. Coin (quarter)	On sidewalk / 300 block of Columbus Area #7 in photos	1581	PB	BP	-	7/03/10
8	Cartridge casing (.40 FED)	On sidewalk / 300 block of Columbus Area #8 in photos	1581	PB	BP	-	7/03/10
9	Cartridge casing (.40 R-P)	In street / 300 block of Columbus Area #9 in photos	1581	PB	BP	-	7/03/10
10	Bullet fragment	On sidewalk / 300 block of Columbus Area #10 in photos	1581	B	N/A	N/A	7/03/10

## CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME
				PW 725	

PW 725

三、

00172

INCIDENT NUMBER: <b>100-609-942</b>		<b>SAN FRANCISCO POLICE DEPARTMENT</b> <b>C.S.I. EVIDENCE INVENTORY &amp; PROCESSING</b>  EVIDENCE PAGE 2 OF 3
LOCATION: <b>█████ Broadway</b>	DATE: <b>7/03/10</b>	
C.S.I.: <b>Walsh / Weggenmann PW</b>	STAR: <b>1581 / 725</b>	

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING F FREEZER S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
11	Bullet fragment	On sidewalk / 300 block of Columbus Area #11 in photos	1581	B	N/A	N/A	07/03/10
12	Cartridge casing(.40 R-P)	On sidewalk / 300 block of Columbus Area #12 in photos	1581	PB	BP	-	07/03/10
13	Cartridge casing (.40 R-P)	On sidewalk / 300 block of Columbus Area #13 in photos	1581	PB	BP	-	07/03/10
14	Cartridge casing (.40 R-P)	On sidewalk / 300 block of Columbus Area #14 in photos	1581	PB	BP	-	07/03/10
15	Cartridge casing (.40 WIN)	On sidewalk / 300 block of Columbus Area #15 in photos	1581	PB	BP	-	07/03/10
16	Possible bullet strike (photographed/not collected)	Wall of building, █████ Grant St. Area #16 in photos	N/A	N/A	N/A	N/A	N/A
17	Bullet Fragment	On sidewalk / 1200 block of Grant St. Area #17 in photos	1581	B	N/A	N/A	07/03/10
18A	U.S. Coin (penny)	In street / unit block of Fresno Area #18 in photos	1581	PB	BP	-	07/03/10
18B	Sig Arms .40 Cal pistol # █████ w / magazine	In street / unit block of Fresno Area #18 in photos	1581	PSB	CR	+	07/07/10
19	One diskette	CSI	725	B	N/A	N/A	07/03/10
20	One water control swab (lot #52F9, Exp. 6/11) used with gun swabs		725	DBF	N/A	N/A	07/03/10
21	Six swabs	Suspect pistol # █████ from grips, slide and barrel end.	725	DBF	N/A	N/A	07/03/10

**CHAIN OF CUSTODY**

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME
				PW 725	

PW 725  
07/03/10  
11:11

INCIDENT NUMBER: <b>100-609-942</b>		<b>SAN FRANCISCO POLICE DEPARTMENT</b> <b>C.S.I. EVIDENCE INVENTORY &amp; PROCESSING</b>  EVIDENCE PAGE 3 OF 3					
LOCATION: [REDACTED] Broadway	DATE: 07/03/10						
C.S.I.: Walsh / Weggenmann PW	STAR: 1581 / 725						
STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING F FREEZER S SWAB R RELEASED (SEE BELOW)							
PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:							
ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
22	Two swabs of suspected blood	Area marked #1 in photos	1581	DBF	N/A	-	07/03/10
23	One control swab	Area marked #1 in photos	1581	DBF	N/A	-	07/03/10
24	Two swabs of suspected blood	Area marked #6 in photos	1581	DBF	N/A	-	07/03/10
25	One control swab	Area marked #6 in photos	1581	DBF	N/A	-	07/03/10
26	One water control swab for areas marked #1 and #6 in photos (Lot 52F9, Exp. 6/11)		1581	DBF	N/A	-	07/03/10
27	One Sig Sauer .40 Cal Pistol # [REDACTED] (SFPD)	Homicide detail	1481	B	N/A	N/A	07/07/10
28	Two .40 Cal magazines	Homicide detail	1481	B	N/A	N/A	07/07/10
29	Twenty four .40 Winchester S&W cartridges	Homicide detail / #1481	1481	B	N/A	N/A	07/07/10
30	One .40 Winchester S&W casing	Homicide detail / #1481	1481	B	N/A	N/A	07/07/10

PW 725

1. 05 10

PW 725

CHAIN OF CUSTODY					
ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME

PW 725

00574  
1/1/11  
1/1/11

CASE # 100-609-942	SAN FRANCISCO POLICE DEPARTMENT FIREARM INFORMATION REPORT					DATE / TIME RECEIVED 7-3-10 0200	
						DATE / TIME REQUESTED	
	OFFENSE 217 / O.I.S.	ARREST MADE <input checked="" type="checkbox"/>	REQ BY SULLIVAN	STAR 1761	UNIT 3A14E	N/R CARD LEFT <input type="checkbox"/>	DATE/TIME 1
	COMPLAINANT S.F.P.D.			PHONE		RUNDATE 7-3-10	ARRIVAL TIME 0225
	LOCATION OF RUN [REDACTED] BROADWAY					CSO/STAR WALSH # 1581 <i>FW</i>	
REMARKS / INSTRUCTIONS PISTOL LOCATED ON GROUND ON FRESNO ST.					CSO/STAR WEGGENMANN # 725		

REVOLVER <input type="checkbox"/>	PISTOL <input checked="" type="checkbox"/>	SHOTGUN <input type="checkbox"/>	RIFLE <input type="checkbox"/>	OTHER <input type="checkbox"/>
-----------------------------------	--	----------------------------------	--------------------------------	--------------------------------

FIREARM	MAKE: SIG ARMS	MODEL: SP 2340	SERIAL #: [REDACTED]
	CALIBER: .40 S&W	BARREL LENGTH: 3.75"	FINISH: BLACK
	NOTES: R-P. 40 S&W = 2, NCCR 40 S&W = 1		

AMMO	HEADSTAMPS: ALL IDENTICAL <input type="checkbox"/> : VARIED <input checked="" type="checkbox"/> :
	NOTES: R-P. 40 S&W = 2, NCCR 40 S&W = 1

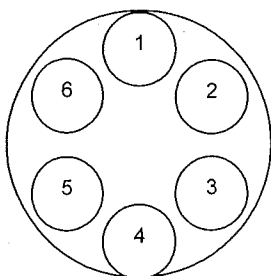
DNA	GRIPS PRESERVED: YES <input type="checkbox"/> BY# NO <input type="checkbox"/> UNK. <input checked="" type="checkbox"/> GRIPS SWABBED: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
	WATER LOT#: 52F9 EXP. DATE: 6/11 SWABS BOOKED IN FREEZER: DATE: 7-3-10 BY# 725

CHECK APPLICABLE BOXES:

MAGAZINE IN WEAPON? Y ☒ N ☐ N/A ☐ WEAPON COCKED? Y ☒ N ☐ SAFETY ON? Y ☐ N ☐ N/A ☒  
 UNLOADED PRIOR TO CSI? Y ☐ N ☒ N/A ☐ PROCESSED? Y ☒ N ☐ N/A ☐ LATENTS? Y ☒ N ☐  
 PROCESS METHOD: POWDER ☐ CYANOACRYLATE ☒ R6G ☒ OTHER:

NOTES / ADDITIONAL ITEMS BOOKED WITH FIREARM: GRIPS, SLIDE AND MUZZLE AREA SWABBED. NO PRINTS DEVELOPED ON PISTOL. SOME PARTIAL PRINTS DEVELOPED ON MAGAZINE. AFIS QUALITY TO BE DETERMINED.
ADDITIONAL FORMS ATTACHED: <input type="checkbox"/> CSI RESPONSE 235 <input checked="" type="checkbox"/> FIREARM REPORT 235A <input type="checkbox"/> EVIDENCE INVENTORY 235E <input type="checkbox"/> OTHER:

REVOLVERS: ROTATION - CW ☐ CCW ☐



1: \*  
2: \*  
3: \*  
4: \*  
5: \*  
6: \*

MAGAZINE-FED WEAPONS:

CHAMBER: LOADED ☒ EMPTY ☐  
 MAGAZINE: # OF CARTRIDGES: 2  
 TOTAL CARTRIDGES: 3

FIREARM & CONTENTS BOOKED ON: 7/7/10 BY # 725



100-609-942

CSI: WALSH # 1581

WEGGENMANN # 725

DATE: 7-03-10



SIG SP 2340

SIG Arms Inc.  
EXETER-NH-USA

Frame made in Switzerland





100-609-942

CSI: WALSH # 1581

WEGGENMANN # 725

DATE: 7-03-10

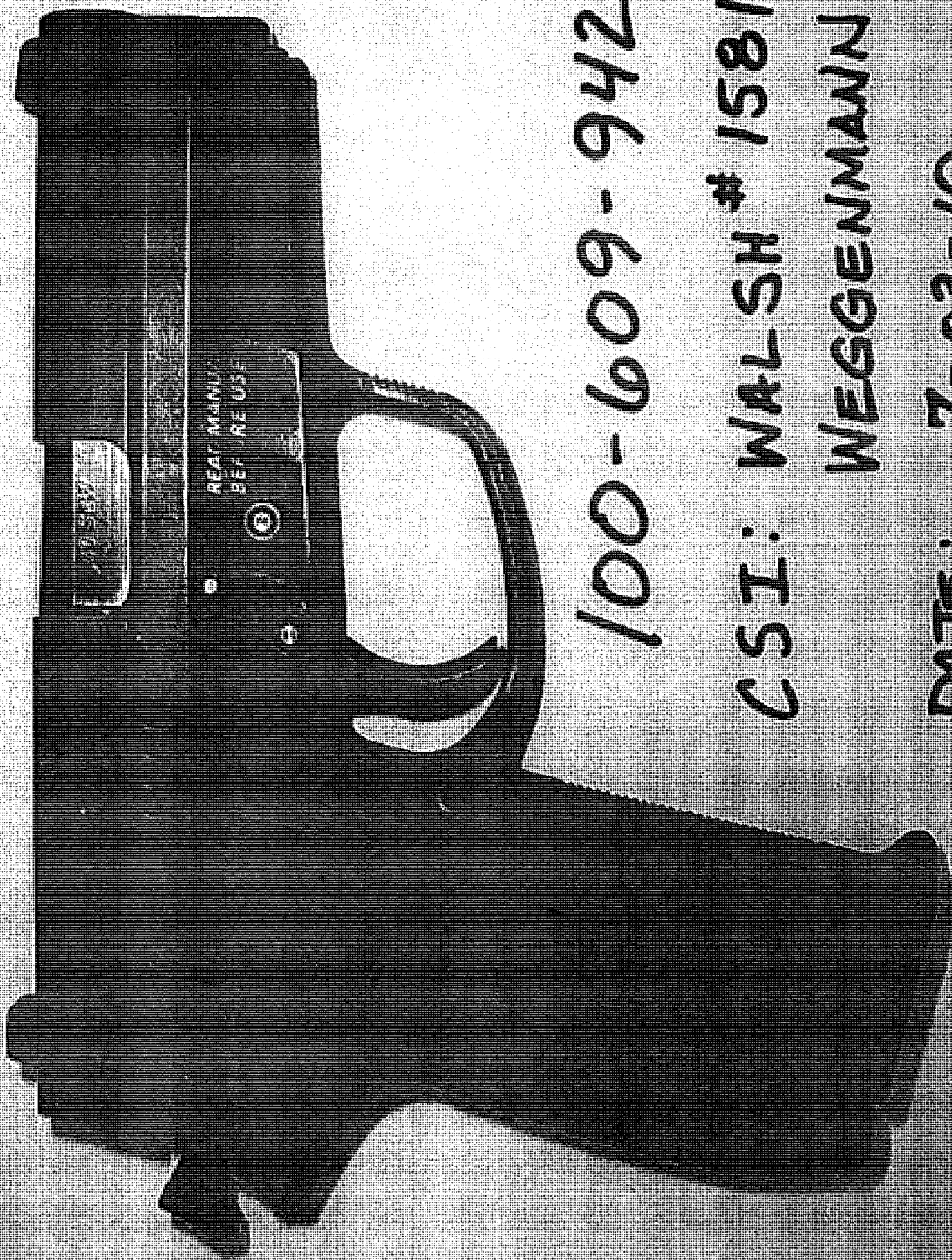


100-609-942

CSI: WALSH # 1581

WEGGENMANN # 725

DATE: 7-03-10



100-609-942

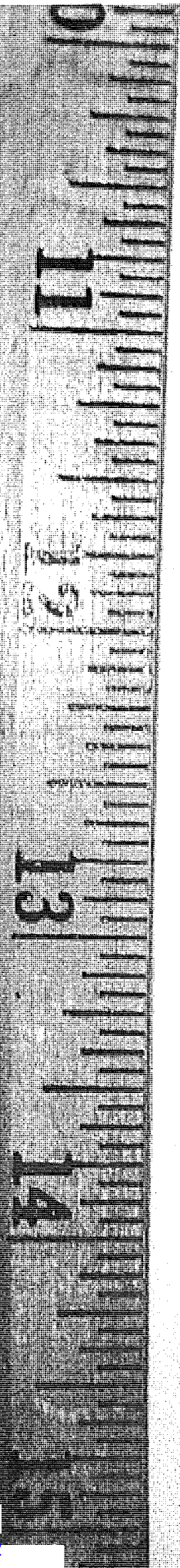
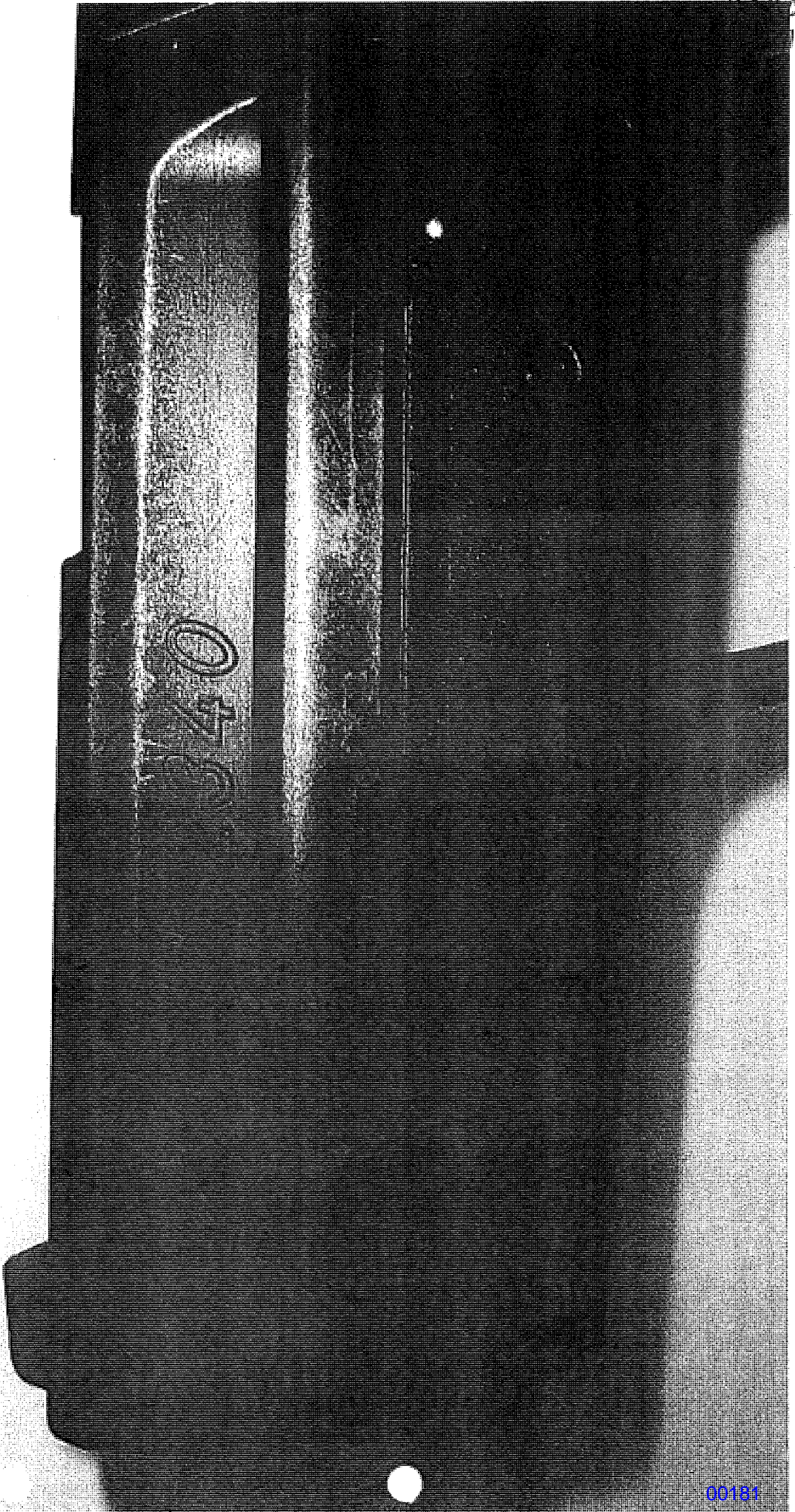
CSI: WALSH # 1581

WEGGENMANN # 725

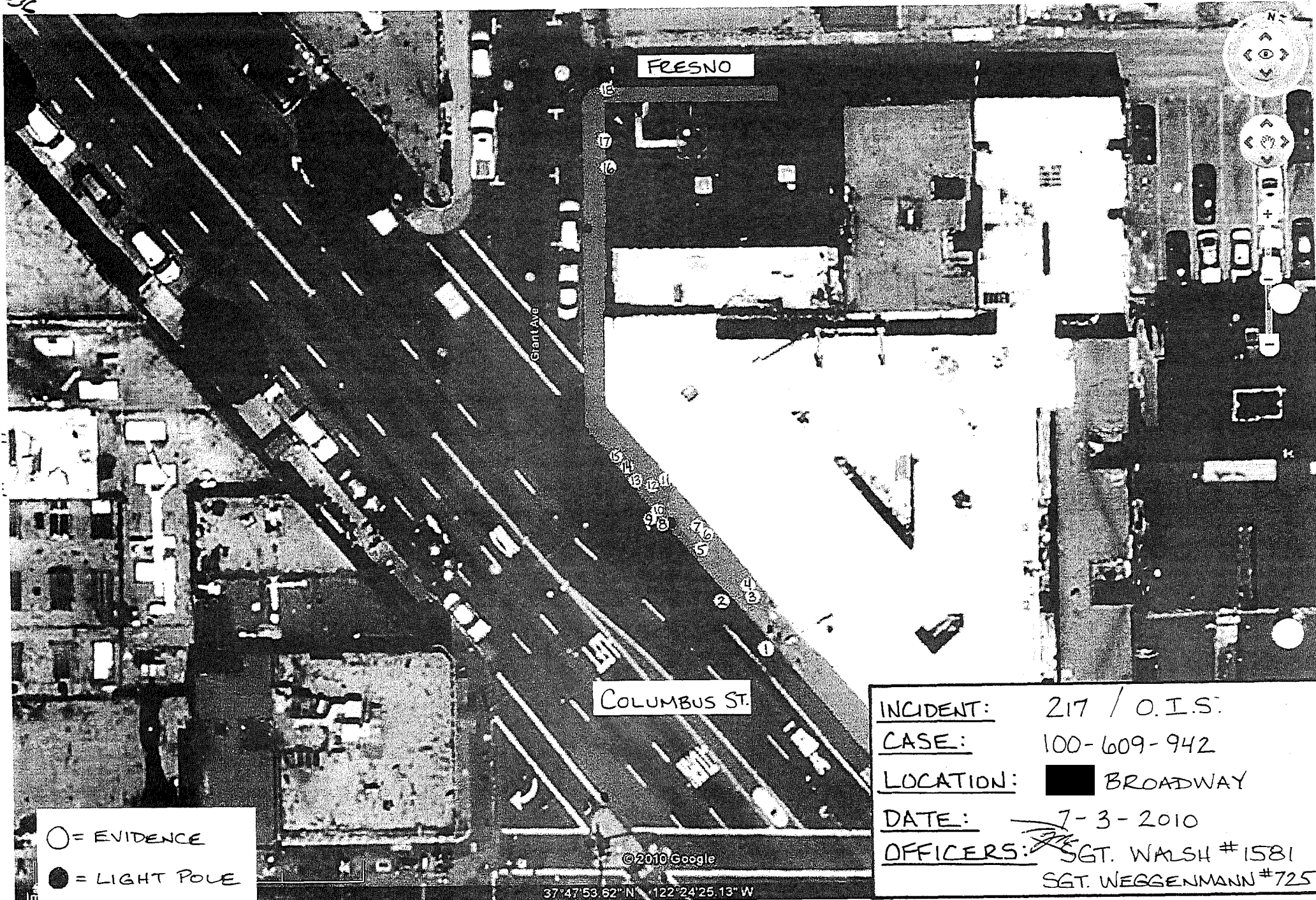
DATE: 7-03-10

0.1 34

11 34



# SCENE OVERVIEW

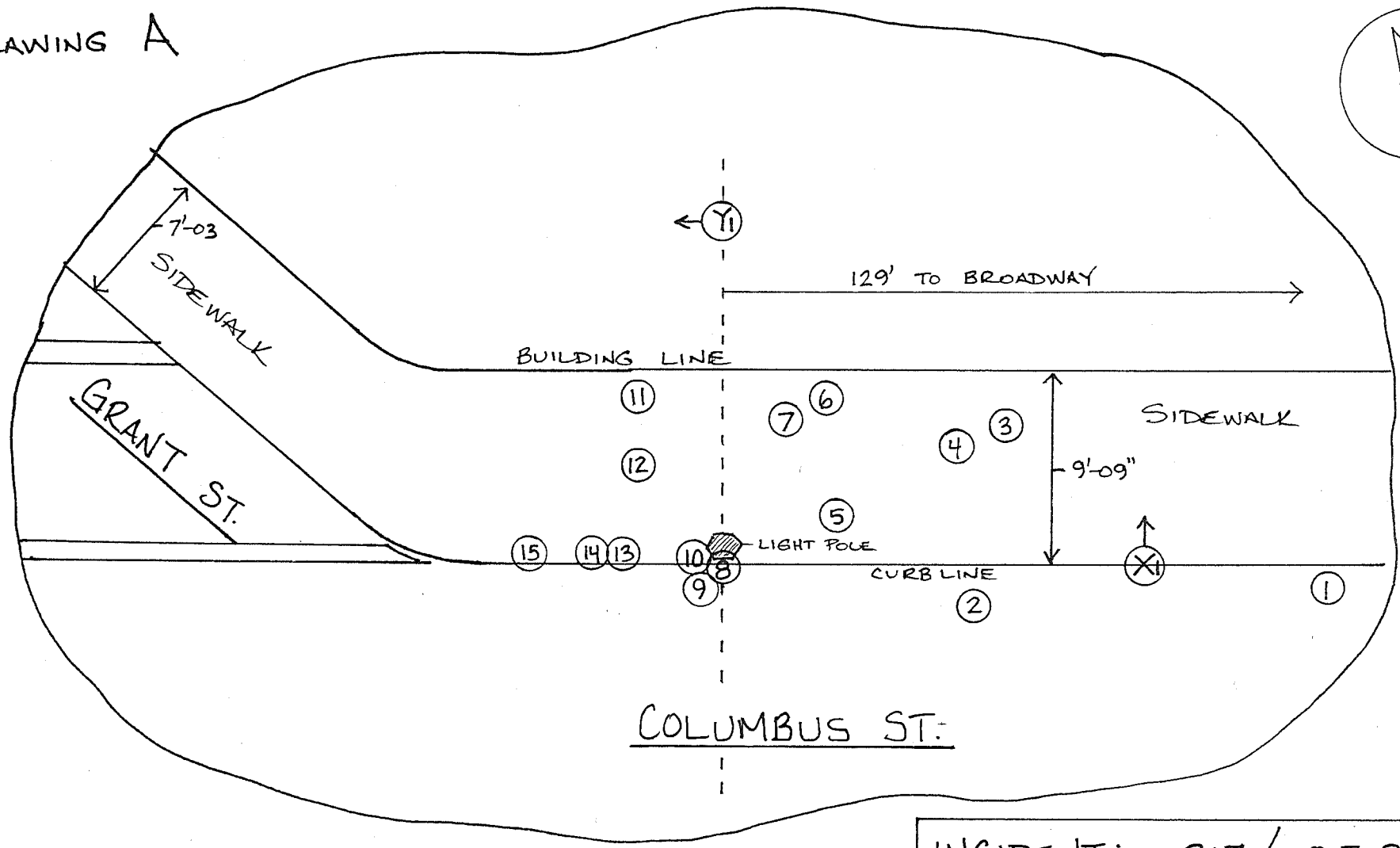
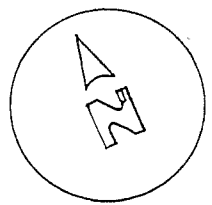


INCIDENT: 217 / O.I.S.  
CASE: 100-609-942  
LOCATION: BROADWAY  
DATE: 7-3-2010  
OFFICERS: SGT. WALSH #1581  
SGT. WEGGENMANN #725

PREPARED BY SGT. WEGGENMANN  
# 725  
00182

NOT TO SCALE

DRAWING A



COORDINATES:

X1 = NORTH CURB LINE OF COLUMBUS ST.

Y1 = CENTER OF LIGHT POLE HEADING WEST.

INCIDENT: 217 / O.I.S.  
CASE #: 100-609-942  
LOCATION: [REDACTED] BROADWAY  
DATE: 7-3-2010  
OFFICERS: SGT. WALSH #1581  
SGT. WEGGENMANN #725

DRAWN BY SGT. WEGGENMANN #725

DRAWING B

GRANT ST.

NOT TO SCALE



FRESNO

CITY VEHICLE

8'-06"

11'-07"

SIDEWALK

31'-09"

19'-05"

WALSH

WEGGENMANN

POSSIBLE BULLET STRIKE  
1'-05" IN ELEVATION

17

16

LIGHT POLE

17'-07"

Y2

7'-03"

BUILDING LINE

COLUMBUS ST.

X2

SIDEWALK

INCIDENT: 217/O.I.S.  
CASE #: 100-609-942  
LOCATION: [REDACTED] BROADWAY  
DATE: 7-3-2010  
OFFICERS: SGT. WALSH #1581  
SGT. WEGGENMANN #725

COORDINATES:

X2 = EAST CORNER OF BUILDING @ COLUMBUS/GRANT

Y2 = EAST BUILDING LINE OF GRANT ST.

10/694

10/694

DRAWN BY SGT. WEGGENMANN #725

12 of 14

0018725

## DRAWING A

#	ITEMS OF EVIDENCE	X <sub>1</sub>	Y <sub>1</sub>
1A	BULLET FRAGMENT	1'-02"	-39'-00"
1B	SUSPECTED BLOOD	1'-02"	-39'-00"
2	BULLET FRAGMENT	-4'-04"	-13'-09"
3	BULLET FRAGMENT	7'-06"	-15'-06"
4	BULLET FRAGMENT	6'-01"	12'-00"
5	U.S. COIN (QUARTER)	3'-05"	-6'-02"
6A	BULLET FRAGMENT	8'-00"	-5'-03"
6B	SUSPECTED BLOOD	8'-00"	-5'-03"
7	U.S. COIN (QUARTER)	7'-08"	-4'-06"
8	CARTRIDGE CASING	0'-06"	0
9	CARTRIDGE CASING	-0'-03"	1'-00"
10	BULLET FRAGMENT	0'-04"	1'-06"
11	BULLET FRAGMENT	8'-01"	8'-09"
12	CARTRIDGE CASING	4'-00"	8'-08"
13	CARTRIDGE CASING	1'-01"	11'-01"
14	CARTRIDGE CASING	1'-00"	12'-03"
15	CARTRIDGE CASING	1'-00"	19'-08"

## DRAWING B

#	ITEMS OF EVIDENCE	X <sub>2</sub>	Y <sub>2</sub>	Z	ELEVATION
16	POSSIBLE BULLET STRIKE	50'-04"	0	1'-05"	
17	BULLET FRAGMENTS	57'-00"	1'-01"	N/A	

ITEMS 18A (U.S. COIN/PENNY) AND 18B (PISTOL) WERE FOUND 8'-06" EAST OF GRANT STREET AT THE SOUTH CURB LINE OF FRESNO AS DEPICTED IN DRAWING B.

- 217 / O.I.S.
- 100-609-942
- ██████████ BROADWAY
- 7-3-2010
- SGT. WALSH #1581 *[Signature]*
- SGT. WEGGENMANN #725

CASE # 100-609-942	SAN FRANCISCO POLICE DEPARTMENT CRIME SCENE RESPONSE FORM					DATE / TIME RECEIVED	
						DATE / TIME REQUESTED	
	OFFENSE: 217 / OIS	ARREST MADE <input type="checkbox"/>	REQ BY SAINEZ	STAR 1667	UNIT 5X	N/R CARD LEFT <input type="checkbox"/>	DATE/TIME /
	COMPLAINANT SFPD			PHONE		RUNDATE 07/03/10	ARRIVAL TIME 0400
	LOCATION OF RUN HOJ / Homicide					CSO / STAR WALSH / 1581 <i>[Signature]</i>	
REMARKS / INSTRUCTIONS					CSO / STAR WEGGENMANN / 725 <i>PW</i>		

PHOTOS:	NO <input checked="" type="checkbox"/>	BY C.S.I. <input type="checkbox"/>	BY PHOTO LAB <input type="checkbox"/>	BY RESPONDING OFFICER <input type="checkbox"/>
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LATENT FINGERPRINT PROCESSING RESULTS:			
LATENT PRINTS DEVELOPED: YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	# OF LIFT CARDS	PROCESS USED: SEE 235E FORM	
AFIS QUALITY? YES <input type="checkbox"/> NO <input type="checkbox"/> TBD <input type="checkbox"/>	AFIS ENTRY DATE: N/A <input type="checkbox"/>	ID MADE: Y <input type="checkbox"/> (SEE 235D)	N <input type="checkbox"/>
UNIDENTIFIED USEABLE LATENTS REMAINING IN FILE? Y <input type="checkbox"/> N <input type="checkbox"/> TBD <input type="checkbox"/>	AS OF (date) , ,		

COMMENTS/ NOTES/ P.O.E.
Sgt. Walsh and I responded to the Homicide Detail upon the request of Lieutenant Sainez
to collect Inspector Newman's (#1481) department issued pistol and extra magazine for
examination.

CHECK ALL FORMS ATTACHED TO THIS REPORT:	
<input checked="" type="checkbox"/> FIREARM INFORMATION REPORT (235A)	<input type="checkbox"/> BIOLOGICAL EVIDENCE COLLECTION REPORT (235B)
<input type="checkbox"/> GUNSHOT RESIDUE REPORT (235C)	<input type="checkbox"/> COMPARISON REQUEST & ID FORM (235D)
<input type="checkbox"/> EVIDENCE INVENTORY (235E)	<input type="checkbox"/> VEHICLE PROCESSING REPORT (235F)
<input type="checkbox"/> CRIME SCENE REPORT / NOTES	<input type="checkbox"/> CRIME SCENE DIAGRAM
<input type="checkbox"/> X & Y COORDINATES	<input type="checkbox"/> OTHER
(IF BOXES ARE NOT CHECKED, NO ADDITIONAL INFORMATION IN <u>INITIAL</u> C.S.I. REPORT)	

CASE # <b>100-609-942</b>	<b>SAN FRANCISCO POLICE DEPARTMENT FIREARM INFORMATION REPORT</b>						DATE / TIME RECEIVED	
							DATE / TIME REQUESTED	
	OFFENSE <b>217 / OIS</b>	ARREST MADE <input checked="" type="checkbox"/>	REQ BY <b>SAINZ</b>	STAR <b>1667</b>	UNIT <b>5X</b>	N/R CARD LEFT <input type="checkbox"/>	DATE/TIME /	
	COMPLAINANT <b>SFPD</b>			PHONE		RUNDATE <b>07/03/10</b>		ARRIVAL TIME <b>0400</b>
	LOCATION OF RUN <b>HOJ / Homicide</b>					CSO / STAR <b>WALSH / 1581</b>		
REMARKS / INSTRUCTIONS <b>SFPD issued duty pistol</b>					CSO / STAR <b>WEGGENMANN / 725 PW</b>			

REVOLVER ☐
 PISTOL ☒
 SHOTGUN ☐
 RIFLE ☐
 OTHER ☐

FIREARM	MAKE: <b>Sig Sauer</b>	MODEL: <b>P226</b>	SERIAL #: <b>[REDACTED]</b>
	CALIBER: <b>.40</b>	BARREL LENGTH: <b>4"</b>	FINISH: <b>Black</b>
	NOTES: Additional spare magazine containing twelve Winchester .40 S&W cartridges		

AMMO	HEADSTAMPS: ALL IDENTICAL <input checked="" type="checkbox"/> :      VARIED <input type="checkbox"/> :
	NOTES: <b>Winchester 40 S&amp;W</b>

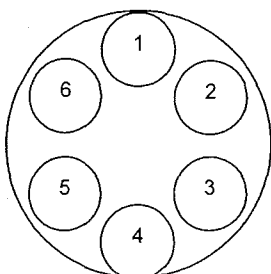
DNA	GRIPS PRESERVED: YES <input type="checkbox"/> BY #      NO <input checked="" type="checkbox"/> UNK. <input type="checkbox"/> GRIPS SWABBED: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
	WATER LOT#:      EXP. DATE:      / <b>SWABS BOOKED IN FREEZER: DATE:      BY#</b>

**CHECK APPLICABLE BOXES:**

MAGAZINE IN WEAPON? Y ☐ N ☒ N/A ☐      WEAPON COCKED? Y ☐ N ☒      SAFETY ON? Y ☐ N ☐ N/A ☒  
 UNLOADED PRIOR TO CSI? Y ☒ N ☐ N/A ☐      PROCESSED? Y ☐ N ☒ N/A ☐      LATENTS? Y ☐ N ☐  
 PROCESS METHOD: POWDER ☐ CYANOACRYLATE ☐ R6G ☐ OTHER:

<b>NOTES / ADDITIONAL ITEMS BOOKED WITH FIREARM:</b>	
Eleven cartridges in magazine, one loose cartridge ejected from chamber prior to delivery to CSI.	
One casing delivered to CSI with pistol and magazines	
ADDITIONAL FORMS ATTACHED:	
<input type="checkbox"/> CSI RESPONSE 235 <input type="checkbox"/> FIREARM REPORT 235A <input type="checkbox"/> EVIDENCE INVENTORY 235E <input type="checkbox"/> OTHER:	

REVOLVERS: ROTATION - CW ☐ CCW ☐



1: \*  
 2: \*  
 3: \*  
 4: \*  
 5: \*  
 6: \*

**MAGAZINE-FED WEAPONS:**

CHAMBER: LOADED ☐ EMPTY ☒  
 MAGAZINE: # OF CARTRIDGES: **11**  
 TOTAL CARTRIDGES: **12**

**FIREARM & CONTENTS BOOKED ON: 7/07/10 BY # 725**

CASE # 100 609 942	SAN FRANCISCO POLICE DEPARTMENT CRIME SCENE RESPONSE FORM					DATE / TIME RECEIVED 07/06/10 23:05	
						DATE / TIME REQUESTED	
	OFFENSE: 217 OIS	ARREST MADE <input type="checkbox"/>	REQ BY PIERUCCI	STAR 1604	UNIT 5H	N/R CARD LEFT <input type="checkbox"/>	DATE/TIME /
	COMPLAINANT SFPD			PHONE		RUNDATE 07/06/10	ARRIVAL TIME 23:30
	LOCATION OF RUN ████ COLUMBUS					CSO / STAR CUNNINGHAM #278 <i>CL218</i>	
REMARKS / INSTRUCTIONS REQUEST TO PHOTO AND COLLECT VIDEO EQUIPMENT					CSO / STAR PUBILL #1284 <i>Ne</i>		

PHOTOS: NO ☐ BY C.S.I. ☒ BY PHOTO LAB ☐ BY RESPONDING OFFICER ☐

LATENT FINGERPRINT PROCESSING RESULTS:

LATENT PRINTS DEVELOPED: YES ☐ NO ☐ N/A ☒ # OF LIFT CARDS PROCESS USED: SEE 235E FORM

AFIS QUALITY? YES ☐ NO ☐ TBD ☐ AFIS ENTRY DATE: N/A ☐ ID MADE: Y ☐ (SEE 235D) N ☐

UNIDENTIFIED USEABLE LATENTS REMAINING IN FILE? Y ☐ N ☐ TBD ☐ AS OF (date) , ,

COMMENTS/ NOTES/ P.O.E.  
REQUEST BY INSPECTORS PIERUCCI #1604 AND ENGLER #239 TO PHOTO AND COLLECT VIDEO EQUIPMENT FROM █████ COLUMBUS. ENGLER CONSULTED WITH TOLOSA #1952 REGARDING THE PROPER WAY TO DISCONNECT AND COLLECT THE EQUIPMENT. I PHOTOGRAPHED █████ COLUMBUS AND COLLECTED THE LISTED VIDEO EQUIPMENT FOR DOWNLOADING BY TOLOSA. PIERUCCI FOUND ADDITIONAL VIDEO AT █████ COLUMBUS, WHICH WAS DOWNLOADED BY THE OWNER. PHOTOS WERE ALSO TAKEN OF █████ COLUMBUS. LISTED VIDEO EQUIPMENT WAS SECURED IN THE CSI IMPOUND ROOM AND COLLECTED THIS AM BY TOLOSA.

CHECK ALL FORMS ATTACHED TO THIS REPORT:

<input type="checkbox"/> FIREARM INFORMATION REPORT (235A)	<input type="checkbox"/> BIOLOGICAL EVIDENCE COLLECTION REPORT (235B)
<input type="checkbox"/> GUNSHOT RESIDUE REPORT (235C)	<input type="checkbox"/> COMPARISON REQUEST & ID FORM (235D)
<input checked="" type="checkbox"/> EVIDENCE INVENTORY (235E)	<input type="checkbox"/> VEHICLE PROCESSING REPORT (235F)
<input type="checkbox"/> CRIME SCENE REPORT / NOTES	<input type="checkbox"/> CRIME SCENE DIAGRAM
<input type="checkbox"/> X & Y COORDINATES	<input type="checkbox"/> OTHER

(IF BOXES ARE NOT CHECKED, NO ADDITIONAL INFORMATION IN INITIAL C.S.I. REPORT)

200 #135

INCIDENT NUMBER: <b>100 609 942</b>		<b>SAN FRANCISCO POLICE DEPARTMENT</b> <b>C.S.I. EVIDENCE INVENTORY &amp; PROCESSING</b>  EVIDENCE PAGE 1 OF 1
LOCATION: [REDACTED] <b>COLUMBUS</b>	DATE: <b>07/06/10</b>	
C.S.I.: <b>CUNNINGHAM</b> <i>2670</i>	STAR: <b>278</b>	

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING F FREEZER S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
1	MONITOR, 'AOC' BRAND, # [REDACTED]	[REDACTED] COLUMBUS	278	R	N/A	N/A	N/A
2	COMPUTER TOWER, 'SPIRE' BRAND,	[REDACTED] COLUMBUS	278	R	N/A	N/A	N/A
---	MODEL # [REDACTED]	-----	----	----	----	---	-----

#### CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME
1	MONITOR, 'AOC' BRAND, # [REDACTED]	CUNNINGHAM #278	TOLOSA #1952	07/07/10	0600
2	COMPUTER TOWER, MODEL # [REDACTED]	CUNNINGHAM #278	TOLOSA #1952	07/07/10	0600

CASE # 100 609 942	ORIGINAL RUN REQ. BY:	INCID. TYPE:	<b>SAN FRANCISCO POLICE DEPARTMENT</b>  <b>PROPERTY / COMPARISON REQUEST /</b>  <b>C.S.I. LATENT PRINT IDENTIFICATION FORM</b>
	PIERUCCI #1604	217/O.I.S.	
	ORIGINAL RUN DATE:	TIME:	
	7-3-10	0200	
	RUN LOCATION:		
	[REDACTED] BROADWAY		
	C.S.I. WALSH	STAR:	
	WEGGENMANN	1581	
		725	

PART A : PROPERTY PROCESSING REQUEST					
REQUESTED BY:		STAR:	DETAIL:		DATE:
ITEM DESCRIPTION		BAG NO.	BAG TYPE	STORED IN	LOCATION
C.S.I. USE ONLY: LATENT PRINTS DEVELOPED FROM PROPERTY? Y <input type="checkbox"/> (SEE 235G FORM) N <input type="checkbox"/>					

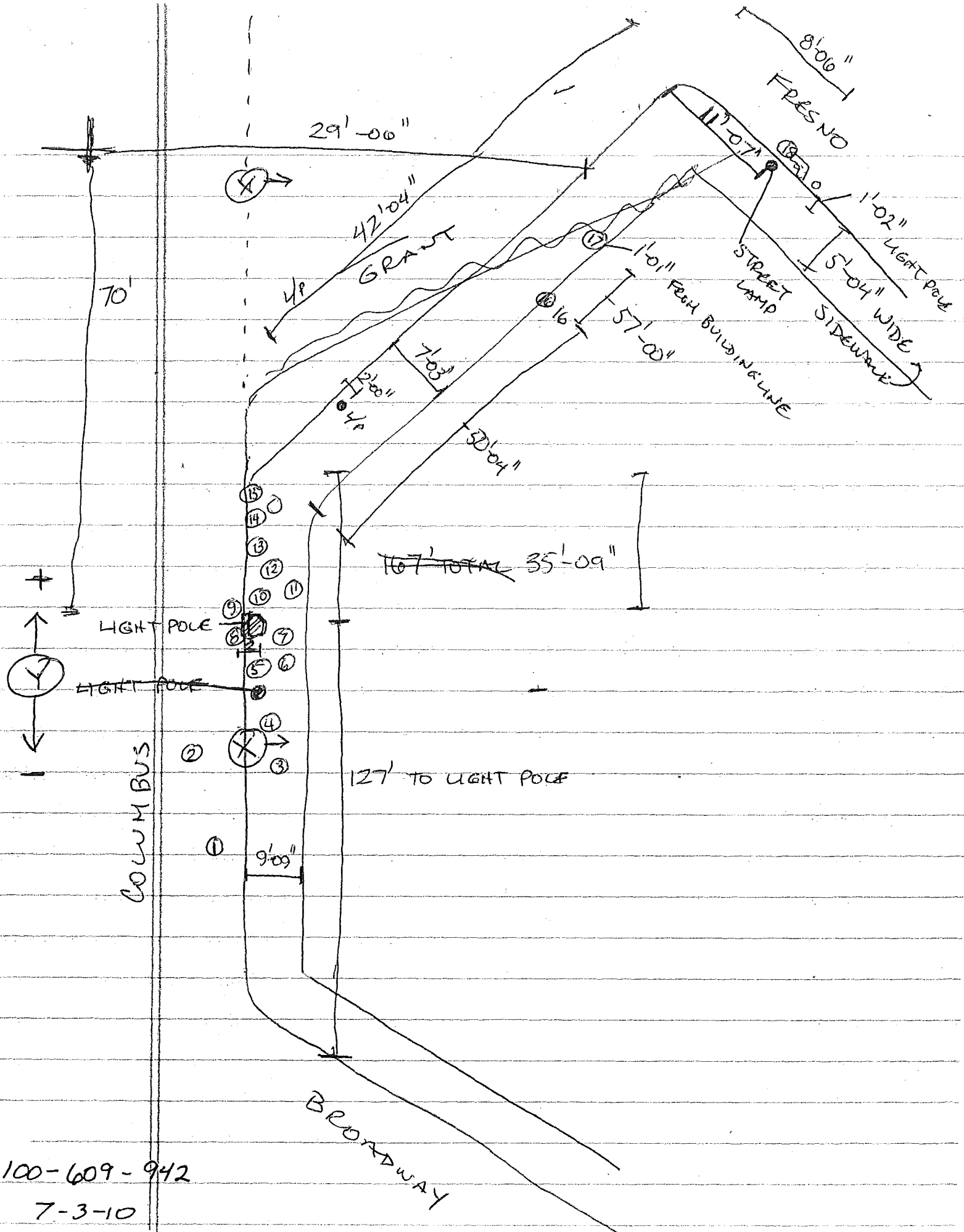
PART B : LATENT COMPARISONS <input checked="" type="checkbox"/> IDENTIFICATIONS: <input type="checkbox"/> AFIS ID <input type="checkbox"/> VICTIM ID <input type="checkbox"/>				
AREA SEARCH: (DATE)		TO	PLOT #'S:	
AFIS/COMPARISON REQUESTED BY:		STAR:	DETAIL:	DATE:
PIERUCCI		1604	HOMICIDE	7-7-10
SUBJECT NAME	SF# / CI#	ID	DESCRIPTION	
[REDACTED]	[REDACTED]	Y <input type="checkbox"/> N <input checked="" type="checkbox"/> I <input type="checkbox"/>		
[REDACTED]	[REDACTED]	Y <input type="checkbox"/> N <input checked="" type="checkbox"/> I <input type="checkbox"/>		
[REDACTED]	[REDACTED]	Y <input type="checkbox"/> N <input checked="" type="checkbox"/> I <input type="checkbox"/>		
EXAMINER:	DATE:	VERIFIED BY:	DATE:	
O'CONNOR #336	7-9-10	GREGORY #986	7-9-10	
ADDITIONAL NOTES:				
LATENTS DEVELOPED FROM MAGAZINE NOT SUFFICIENT QUALITY				
FOR AFIS SEARCH.				
C.S.I. USE ONLY:				
UNIDENTIFIED USEABLE LATENT PRINTS REMAINING IN FILE AS OF ABOVE DATE? Y <input checked="" type="checkbox"/> N <input type="checkbox"/>				

100-609-942 O/D / 217

ARR. 0225- [REDACTED] BROADWAY 7/3/10

- COOL, CLEAR. - STREET WELL LIT BY STREET LIGHTS AND BUSINESSES  
SCENE MOSTLY CONCENTRATED TO SIDE WALK IN THE 300 BLOCK OF COLUMBUS. CASINGS AND FRAGMENTS MARKED WITH FOLDED NOTECARDS AND YELLOW CHALK. YELLOW POLICE TAPE UP IN NUMEROUS LOCATIONS FROM BROADWAY AND COLUMBUS TO GRANT - THEN UP TO FRESNO. TWO DIFFERENT AREAS OF BLOOD STAIN BOTH ON THE SIDEWALK AND IN THE STREET ON THE 300 BLOCK OF COLUMBUS. ON GRANT ST. THERE IS AN APPARENT BULLET STRIKE ON THE SIDE OF A BUILDING.
- ON FRESNO ST. A PISTOL IN THE STREET RIGHT AT THE CURB.

## ROUGH NOTES



100-609-942

7-3-10

07/16/17 SFPD 100609942

2 of 4

PW 725 00192

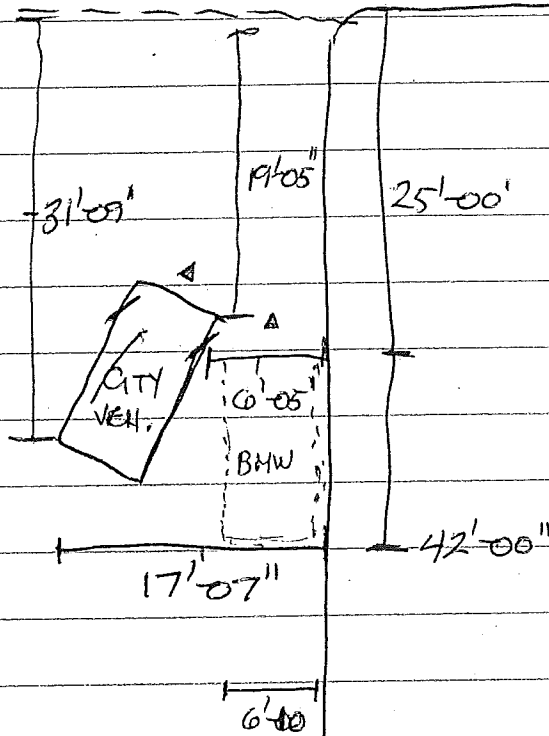
	X	101'00" Y
8A - COIN (ENNY)		
8B FIREARM		
17 - PROJECTIVE FRAGMENTS	39'-08"	89'-06"
16 - POSSIBLE BULLET STRIKE	(40'-00")	75'-02"
15 - CASING	1'-00"	19'-08"
14 - CASING	1'-00"	12'-03"
13 - CASING	1'-01"	11'-01"
12 - CASING	4'-00"	8'-08"
11 - BULLET FRAGMENT	8'-01"	8'-09"
10 - BULLET FRAGMENT	+ 0'-04"	1'-06"
9 - CASING	- 0'-03"	1'-0"
8 - CASING	0'-06"	0
7 - COIN (QUARTER)	7'-08"	- 4'-06"
6A - BULLET FRAGMENT	> 8'-00"	- 5'-03"
6B - SUSP. BLOOD SAMPLE		- 5'-03"
5 - COIN (QUARTER)	3'-05"	- 6'-02"
4 - BULLET FRAGMENT	6'-01"	<del>6'-02"</del> 12'-00"
3 - BULLET FRAGMENT	7'-06"	<del>15'-00"</del>
2 - BULLET FRAGMENT	- 4'-04"	- 13'-09"
1A - BULLET FRAGMENT	> - 1'-02"	39'-00"
1B - SUSP. BLOOD SAMPLE		39'-00"

100-609-942

7-3-10

GRANT

FRESNO



BMW - PARKED

[REDACTED] - WHITE 750 LI - 4DR

CITY VEHICLE - SILVER FORD TAURUS



San Francisco Police Department  
Forensic Services Division – Criminalistics Laboratory  
Tel: [REDACTED] / Fax: [REDACTED]  
**Report of Laboratory Examination**

Case Number 100-609-942  
Laboratory Number 10-0406  
Incident Date July 3, 2010  
Requested By Inspector Pierucci #1604  
Detail / Agency Homicide / SFPD  
Complainant / Victim [REDACTED]  
Suspect [REDACTED]  
Report Date August 4, 2010



Certified Copy

Initials

10/26/10  
Date

The following evidence was received in the Criminalistics Laboratory on August 2, 2010.

**DESCRIPTION OF EVIDENCE**

Bag 18	Ex. 18-1	One apparent lead fragment
	Ex. 18-2	One apparent lead bullet core
	Ex. 18-3, 18-4 18-6, 18-11	Four fired copper bullet jackets
	Ex. 18-8, 18-9, 18-12 – 18-15	Six fired 40 Smith & Wesson caliber cartridge cases (1 – Federal, 4 – Remington-Peters, and 1 – Winchester)
	Ex. 18-10	One fired copper bullet jacket fragment
	Ex. 18-17	Two apparent lead fragments
Bag 50	Ex. 50-1	One 40 Smith & Wesson caliber Sig Sauer Model P226 semiautomatic pistol, serial number [REDACTED]
	Ex. 50-2, 50-3	Two magazines
	Ex. 50-4	One fired 40 Smith & Wesson caliber Winchester cartridge case
	Ex. 50-5, 50-6	Twenty-four 40 Smith & Wesson caliber Winchester cartridges
Bag 51	Ex. 51-1	One 40 Smith & Wesson caliber Sig Model SP 2340 semiautomatic pistol, serial number [REDACTED] One magazine Three 40 Smith & Wesson caliber cartridges ( 2 – Remington-Peters and 1 – CCI)

**PURPOSE OF EXAMINATION**

Standard firearms examination

**RESULTS OF EXAMINATION**

Bag 18 Ex. 18-1, 18-2,  
18-17 The three apparent lead fragments and apparent lead bullet core do not display individual characteristics and were not examined further.

Ex. 18-3, 18-4,  
18-6, 18-11      The jackets were all fired from the submitted Exhibit 51-1 pistol.

                         The exhibits were determined to be of 40 Smith & Wesson caliber displaying rifling characteristics of six lands and grooves, right twist.

Ex. 18-8, 18-9,  
18-12 – 18-15      The cartridge cases were all fired in the submitted Exhibit 51-1 pistol.

Ex. 18-10      The jacket fragment could neither be identified nor eliminated as having been fired from the same firearm as the Exhibits 18-3, 18-4, 18-6, or 18-11 bullet jackets. Further, the jacket fragment could neither be identified nor eliminated as having been fired from the submitted pistols Exhibits 50-1 or 51-1.

                         The exhibit was determined to have rifling characteristics of right twist.

Bag 50   Ex. 50-1, 50-2      The pistol was examined and found to be functional using one of the submitted magazines, Exhibit 50-2.

                         The trigger pull was found to be within manufacturer's specifications.

Ex. 50-4      The cartridge case was fired in the submitted Exhibit 50-1 pistol.

Ex. 50-3, 50-5,  
50-6      The remaining magazine and cartridges were not examined further.

Bag 51   Ex. 51-1      The pistol was examined and found to be functional using the submitted magazine. Tests were fired and compared to the NIBIN Database and Laboratory open case file with negative results.

                         The cartridges were not examined further.

**DISPOSITION OF EVIDENCE**

The items will be returned to the property control division.

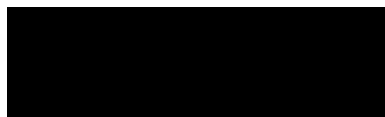


Certified Copy

Initials

10/26/10  
Date

Examined By:



Mark Proia, Criminalist II  
Firearm and Tool Mark Unit



San Francisco Police Department  
Forensic Services Division - Criminalistics Laboratory

Tel: [REDACTED] / Fax: [REDACTED]

**Report of Laboratory Examination**

Incident Number 100 609 942  
Case Number 10-0406  
Incident Date July 3, 2010  
Requested By Insp. Pierucci  
Detail / Agency Homicide  
Complainant / Victim [REDACTED]  
Suspect(s) [REDACTED]  
Report Date November 19, 2010

**DESCRIPTION OF EVIDENCE**

On September 15, 2010, Items 11, 20, and 53 were retrieved from the SFPD Property Control Division (PCD).

Item 20: Swabs from Pistol, SN [REDACTED]

This item contains the following:

- 20A-1, 2 Barrel End Swabs (2)
- 20B-1, 2 Slide Swabs (2)
- 20C-1, 2 Grips Swabs (2)
- 20D Water Control Swab (1)

Items 11A, B: Oral Reference Swabs from [REDACTED] (2)

Items 53A, B: Oral Reference Swabs from [REDACTED] (2)

**PURPOSE OF EXAMINATION**

The purpose of this examination was to screen the pistol swabs (Item 20) for biological material, conduct genetic analysis, and compare the results against the subsequent genetic analysis of the submitted reference samples (Items 11 and 53).

**RESULTS OF EXAMINATION**

The barrel end swabs (Items 20A-1 and 20A-2) and slide swabs (Items 20B-1 and 20B-2) each contained grayish-brown discolorations, the grips swabs (Items 20C-1 and 20C-2) each contained faint gray discolorations, and the water control swab (Item 20D) contained no apparent discoloration. A chemical presumptive test for blood was positive for the slide swabs (Items 20B-1 and 20B-2); the same presumptive test was negative for the barrel end swabs (Items 20A-1 and 20A-2) and water control swab (Item 20D). The pistol swabs (Items 20A-1, 2; 20B-1, 2; 20C-1, 2; and 20D) were sampled for genetic analysis.

TMM

The oral reference swabs from [REDACTED] (Item 11A) and [REDACTED] (Item 53A) were sampled for genetic analysis, and the remaining swabs (Items 11B and 53B) were not examined and / or sampled at this time.

### Genetic Analysis

The barrel end swabs (Item 20A-1/2), slide swabs (Item 20B-1/2), grips swabs (Item 20C-1/2), and water control swab (Item 20D) were subjected to a DNA extraction process. Subsequently, the oral reference swabs (Items 11A and 53A) were subjected to a DNA extraction process. All samples were amplified and typed using the AmpFISTR Profiler Plus DNA typing system. See Table of Results.

**Table of Results**  
**AmpFISTR Profiler Plus**

DESCRIPTION	D3S1358	vWA	FGA	AMEL	D8S1179	D21S11	D18S51	D5S818	D13S317	D7S820
Item 20A-1/2: Pistol swabs, barrel †	15 > 14,16,17	15,16 > 18	22,26,*	X,Y	13,14 > 12,15,*	30,31 > *	*	10,11,12	10,11,*	8,12
Item 20B-1/2: Pistol swabs, slide †	15 >*	16,*	ND	X,Y	13,*	*	ND	11,12	ND	ND
Item 20C-1/2: Pistol swabs, grips †	15,16,18	14,16,19, *	23,24,25	X > Y	10,13,14	30,31,*	15,18,*	11 > 12	11,12,13	12,*
Item 20D: Water control swab	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Item 11A: Oral reference, [REDACTED]	15,16	17,17	23,28	X,Y	12,14	32,32.2	12,13	11,11	9,13	11,12
Item 53A: Oral reference, [REDACTED]	16,18	16,19	23,23	X,Y	10,13	30,32.2	10,13	11,12	12,13	10,11
Reagent Blank(s)	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND

Key: > = greater than ND = not detected X, X = indicative of female gender X,Y = indicative of male gender  
\* = inconclusive data † = alleles recorded only, not genotypes

Genetic analysis results indicate that a mixture of DNA, from at least two individuals, was detected in the barrel end swabs (Item 20A-1/2). [REDACTED] (Item 11A) and [REDACTED] (Item 53A) are **excluded** as possible contributors to this mixture of DNA.

Genetic analysis results indicate that a partial DNA profile was detected in the slide swabs (Item 20B-1/2). [REDACTED] (Item 11A) and [REDACTED] (Item 53A) are **excluded** as possible sources of the partial DNA profile detected in the slide swabs (Item 20B-1/2).

Genetic analysis results indicate that a mixture of DNA, from at least two individuals, was detected in the grips swabs (Item 20C-1/2). [REDACTED] (Item 53A) is **included** as a possible contributor to this mixture of DNA; [REDACTED] (Item 11A) is **excluded** as a possible contributor to this mixture of DNA. Derived from the combined probability of inclusion, approximately 1 in 1,000 US Caucasians, 1 in 720 African Americans, 1 in 670 California Hispanics, and 1 in 2,400 general Asians could be a possible contributor to the mixture of DNA detected in the grips swabs (Item 20C-1/2).

TMN


No detectable DNA was present in the water control swab (Item 20D).

Additional genetic comparison is available upon request and submission of the appropriate reference sample(s).

**DISPOSITION OF EVIDENCE**

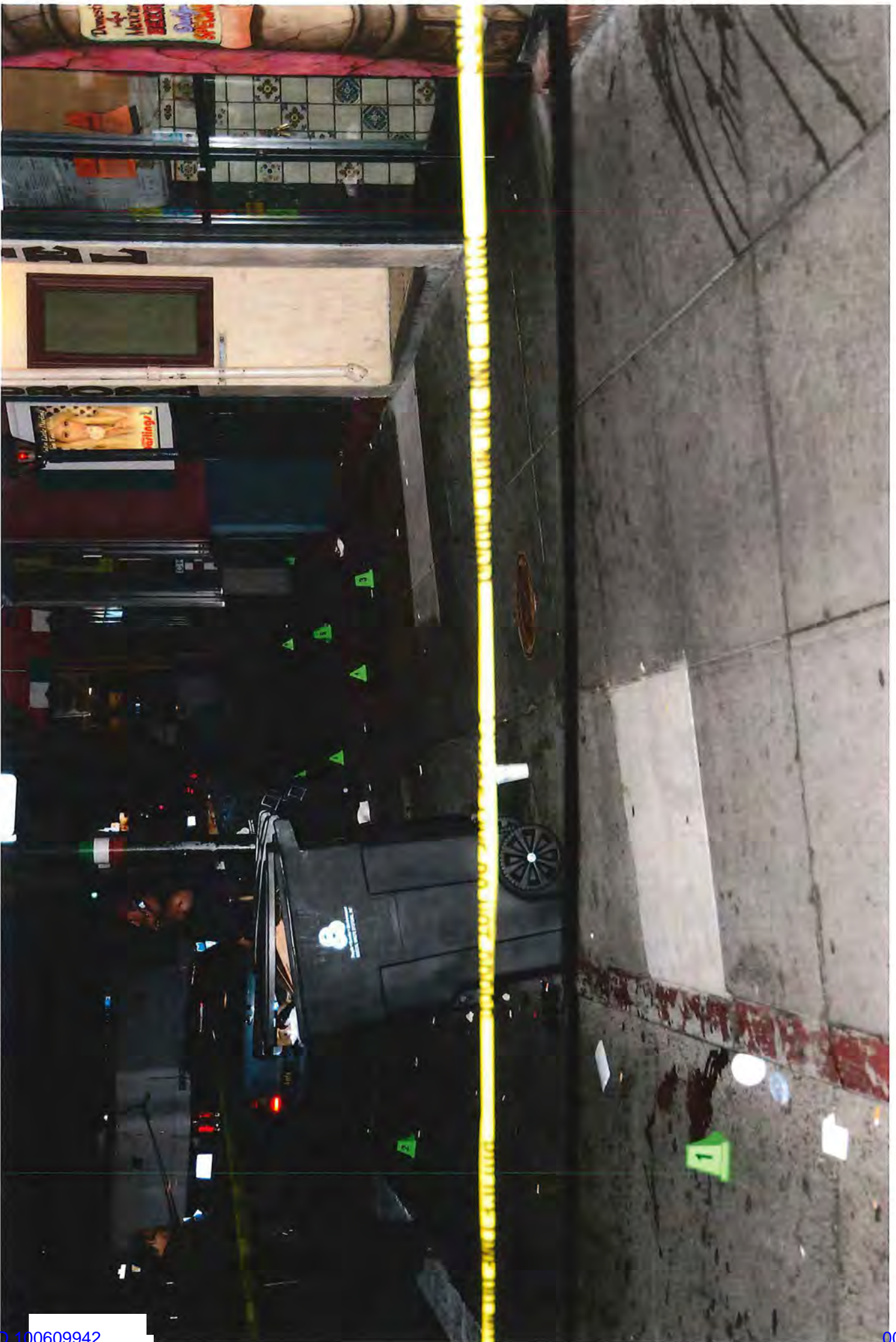
DNA extracts generated from the examination of Items 11, 20, 53 were packaged within their respective evidence envelopes. Items 11, 20, 53 remain in the custody of the SFPD Criminalistics Laboratory pending their return to the SFPD PCD.

**Examined By:**

  
Tahnee Nelson, Criminalist II































16





**GENERAL ORDER**Rev. 10/04/95

---

**USE OF FORCE**

The purpose of this order is to set forth the circumstances under which officers may resort to the use of force. The order also outlines procedures for reporting and evaluating incidents involving the use of force.

**I. POLICY**

- A. It is the policy of the San Francisco Police Department to accomplish the police mission as effectively as possible with the highest regard for the dignity of all persons and with minimal reliance upon the use of physical force. The use of physical force shall be restricted to circumstances authorized by law and to the degree minimally necessary to accomplish a lawful police task.
- B. Officers are frequently confronted with situations where control must be exercised to effect arrests and to protect the public safety. Control may be achieved through advice, warnings, and persuasion, or by the use of physical force. While the use of reasonable physical force may be necessary in situations that cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances.
- C. Officers are permitted to use whatever force is reasonable and necessary to protect others or themselves, but no more. The purpose of this policy is not to restrict officers from using sufficient force to protect themselves or others, but to provide general guidelines under which force may be used. If exceptional circumstances occur which are not contemplated by this order, officers should use any force reasonably necessary to protect themselves or others; however, they must be able to articulate the reasons for employing such force.

**D. CATEGORIES OF FORCE TO EMPLOY (IN ASCENDING ORDER OF GRAVITY)**

1. When the use of force is necessary and appropriate, officers shall, to the extent possible, utilize an escalating scale of options and not employ more forceful measures unless it is determined that a lower level of force would not be adequate, or such a level of force is attempted and actually found to be inadequate. The scale of options, in order of increasing severity, is set forth below:
  - a. Verbal Persuasion
  - b. Physical Control (e.g., passive resister, bent wrist control, excluding the carotid restraint)
  - c. Liquid Chemical Agent (Mace/Oleoresin Capsicum)
  - d. Carotid Restraint
  - e. Department-issued Baton
  - f. Firearm
2. It is not the intent of the order to require officers to try each of the options before escalating to the next. Clearly, good judgment and the circumstances of each situation will dictate the level at which an officer will start. Officers using any type of force are accountable for its use.

**E. REASONABLE FORCE**

1. Officers must frequently employ the use of force to effect arrests and ensure the public safety. It is not intended that any suspect should ever be allowed to be the first to exercise force, thus gaining an advantage in a physical confrontation. Nothing in this order should be interpreted to mean that an officer is required to engage in prolonged hand-to-hand combat with all its risks before resorting to the use of force that will more quickly, humanely and safely bring an arrestee under physical control.

2. Penal Code Section 835 a provides that, *" Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such officer be deemed the aggressor or lose his/her right to self defense by the use of reasonable force to effect the arrest, or to prevent escape, or to overcome resistance."*

#### **F. CIRCUMSTANCES JUSTIFYING THE USE OF FORCE**

1. Officers may use force in the performance of their duties in the following circumstances:
  - a. To prevent the commission of a public offense.
  - b. To prevent a person from injuring himself/herself.
  - c. To effect the lawful arrest/detention of persons resisting or attempting to evade that arrest/detention.
  - d. In self-defense or in the defense of another person.
2. Before using force, the officer should consider these questions:
  - a. What actions on the part of the suspect justify the use of force?
  - b. What crime is being or has been committed?
  - c. Does the situation require the immediate use of force?

#### **G. VERBAL PERSUASION AS A MEANS OF EFFECTING CUSTODY**

1. The practice of courtesy in all public contact encourages understanding and cooperation; lack of courtesy arouses resentment and often physical resistance. Simple directions which are complied with while you merely accompany the subject are by far the most desirable method of dealing with an arrest situation. Control may be achieved through advice, persuasion and warnings before resorting to actual physical force.

2. The above should not be construed to suggest that you should ever relax and lose control of a situation, thus endangering your personal safety or the safety of others. Officers are permitted to use that force which is reasonable and necessary to protect themselves from bodily harm.

#### **H. USE OF PHYSICAL CONTROL TO ACCOMPLISH CUSTODY**

1. Frequently, subjects are reluctant to be taken into custody and offer some degree of physical resistance. Normally all that is required to overcome the resistance is physical strength and skill in defensive tactics, e.g., passive resister, bent wrist control.
2. Defensive tactics are techniques intended for use when weapons are not available or their use is inadvisable or unreasonable under the circumstances. You must, however, ensure that you are capable of utilizing physical skills to subdue a person. Good judgement is extremely important in deciding which tactics to use and how much force to apply. The force used must be necessary.
3. When confronted with a situation that may necessitate the use of physical control, consideration should be given to calling for additional cover officers prior to the contact.
4. In encountering physical resistance and/or assault, an officer's primary goal is to control the situation. The level of force encountered determines what form of defense should be exercised. When conditions permit, the best means of controlling a subject is by the imposition of manual restraint according to methods taught in Department training courses.
  - a. Choking by means of pressure on the subject's trachea is a prohibited practice.
  - b. Rendering a subject unconscious by applying pressure to the carotid artery is permissible only when lesser types of restraint would be ineffective (see Section I., J.).

**I. USE OF LIQUID CHEMICAL AGENT (MACE/OLEORESIN CAPSICUM) TO ACCOMPLISH CUSTODY**

1. Liquid chemical agent is a non-lethal device designed to subdue a person by projecting a specially formulated liquid onto the face. It is not designed to replace the police revolver or baton. Liquid chemical agent is a defensive weapon intended for use when attempting to subdue an unarmed attacker or to overcome resistance likely to result in injury to either the suspect or the officer.
2. In most instances, liquid chemical agent will reduce or eliminate the necessity for greater physical force to effect the arrest. Every officer should be equipped with liquid chemical agent and, when practical to do so, should use it rather than the baton or carotid restraint.
3. **MEDICAL TREATMENT.** Persons who have had Mace or O.C. sprayed on their faces shall have their faces washed and their eyes flushed with clean water at the scene or as soon as possible. Medical evaluation shall occur:
  - a. Prior to booking and as soon as practicable.
  - b. If the person is recovering normally, request an ambulance (Code 2) to the scene or arrange to have paramedics meet you at another location to medically assess the individual.
  - c. If the ambulance is unavailable or the delay will be excessive, transport the exposed subject to SFGH for medical evaluation.
  - d. If the sprayed suspect loses consciousness or has difficulty breathing, summon an ambulance Code 3.
4. **TRANSPORTATION.** Persons who have been sprayed with Mace or O.C. must be transported in an upright position by two officers. The passenger officer shall closely monitor the subject for any signs of distress which would require medical evaluation and/or treatment. Hobble cords or similar types of restraints shall only be used to secure a subject's legs together. They shall not be used to connect the subject's legs to his/her waist or hands in a "trussed" position.

5. **MONITORING SUBJECTS.** Supervisors shall ensure that any person who has been sprayed with Mace or O.C. is kept under direct visual observation until he/she has been medically evaluated. If the person appears to be having difficulty breathing, an ambulance shall be summoned immediately.
6. **BOOKING FORM.** Persons who have been sprayed with liquid chemical agent shall have that noted on the booking form.

**J. USE OF CAROTID RESTRAINT TO ACCOMPLISH CUSTODY**

1. The carotid restraint, when properly applied, is a very effective means of subduing a violent subject; however, caution must be used in its application. The officer applying the hold must attempt to ensure the hold does not slip into a bar arm trachea choke.
2. The carotid restraint is an acceptable use of force in the following situations:
  - a. The officer is physically attacked.
  - b. To stop a physical attack on another person.
  - c. The officer has attempted a lesser level of force and found it to be inadequate.
  - d. In the officer's best judgement, having evaluated the particular circumstances, a lesser level of force would be inadequate.
3. **MEDICAL TREATMENT.** Officers finding it necessary to apply the carotid restraint must monitor the subject's vital signs closely. Additionally, if the subject has difficulty breathing or does not immediately regain consciousness, the arresting officer shall immediately call paramedics to the scene. In all cases where the carotid restraint is used, the subject shall be medically evaluated.
4. **BOOKING FORM.** Persons who have been the subject of a carotid restraint shall have that noted on the booking form.

**K. USE OF BATON TO ACCOMPLISH CUSTODY.** The baton in the hands of an officer trained in its use is a very formidable weapon. If we are to obtain effective results, avoid unnecessary injury to suspects, and minimize criticism of the Department, the baton must be used properly and judiciously.

1. The baton must be carried properly in the officer's baton ring. A baton left in the car is of no use to an officer in a confrontation.
2. Officers are not to slap the palm of their hand with the baton or poke the baton at people as an intimidation technique.
3. The baton, when properly used, is capable of delivering extremely powerful blows to stun and incapacitate an aggressive opponent. It is also capable of delivering lethal or permanently disabling blows. Blows to the head, throat, side of the neck, or armpit must be avoided whenever possible.
4. To properly control and therefore maximize its effectiveness, the baton should normally never be raised above the head to strike a blow. The use of the baton as a club is generally prohibited.
5. Striking a handcuffed prisoner with a baton is expressly prohibited (except as allowed for in Section I., C., of this order).
6. Officers will carry only batons issued by the Department.

**L. USE OF FIREARM TO ACCOMPLISH CUSTODY.** See DGO 5.02, Use of Firearms.

**M. UNNECESSARY FORCE (DEFINED)**

1. Unnecessary force occurs when it is apparent that the type or degree of force employed was neither necessary nor appropriate. When any degree of force is utilized as summary punishment or for vengeance, it is clearly improper and unlawful.
2. Malicious assaults and batteries committed by officers constitute gross and unlawful misconduct. Penal Code Section 149 provides criminal penalties for every public officer who under the color of authority, without lawful necessity, assaults or beats any person.

3. When the use of force is applied indiscriminately, the officer will face civil and criminal liability and Department disciplinary action.
4. Justification for the use of force is limited to what is reasonably known or perceived by you at the time. Facts discovered after the event, no matter how compelling, cannot be considered in determining whether the force was justified.

#### **N. REPORTING AND INVESTIGATING THE USE OF FORCE**

1. **TYPES OF INCIDENTS REQUIRING REPORTING.** Officers must report the use of the following types of force:
  - a. Physical control, when the person is injured or claims to be injured.
  - b. Liquid chemical agent, when sprayed on or at the person.
  - c. Department-issued baton, when the person is struck or jabbed.
  - d. When the officer finds it necessary to strike a suspect with his/her fist, a flashlight, or any other object.
  - e. Carotid restraint.
  - f. Firearm (also see DGO 5.02, Use of Firearms).
2. **NOTIFICATION/INCIDENT REPORT.** In all cases in which an officer is required to report the use of force, the officer using the force shall immediately notify his/her supervisor, and:
  - a. When the officer using force is also the reporting officer, prepare an incident report containing the following information:
    - (1) The type of force used (e.g., carotid restraint, struck with fist).
    - (2) Reason for the use of force (e.g., subject resisted arrest).
    - (3) The supervisor's name, rank, star number and time notified. If applicable, the supervisor's reason for not responding to the scene shall also be included.

b. In the event that the officer using force is not the officer preparing the incident report, the officer using the force shall:

(1) Ensure that he/she is clearly identified in the incident report.

(2) Ensure that the incident report includes:

- The type of force used (e.g., carotid restraint, struck with fist).
- Reason for the use of force (e.g., subject resisted arrest).
- The supervisor's name, rank, star number and time notified.

(3) Or prepare a supplemental report or a statement form with the above information.

3. **SUPERVISORY OFFICER'S RESPONSIBILITIES.** When notified of the use of force, supervisors shall determine whether anyone (including the officer) has sustained an injury and its severity. If an injury has been sustained which is serious enough to require immediate medical treatment, the supervisor shall immediately respond to the scene of the incident unless a response is impracticable, poses a danger, or where officers' continued presence creates a risk. Response is optional in other reportable use of force incidents. Upon arrival, the supervisor shall do the following (when more than one supervisor responds, the responsibility shall fall on the senior supervisor):

- a. Ensure that witnesses (including officers) to the criminal incident and also the reportable use of force incident are identified, interviewed, and that this information is included in the incident report. Hostile situations or number of witnesses may preclude identification and interview of all witnesses.
- b. Conduct observations of the scene and injured subjects or officers.
- c. Conduct a supervisory evaluation to determine whether the force used appears reasonable and within the provisions of this order.
- d. When appropriate, cause photographs of injuries or other evidence connected to the case to be taken and booked as evidence.

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- e. Review the officer's incident report.
  - f. Record the incident in the Use of Force Log (see below). The supervisor who is notified of the reportable use of force is responsible for recording the incident in the Use of Force Log.
- 4. **UNNECESSARY OR EXCESSIVE FORCE/REPORTING AND INVESTIGATIVE RESPONSIBILITIES.** Should the supervisory evaluation conclude possible misconduct involved in the use of force, the supervisor shall:
  - a. Immediately notify his/her superior.
  - b. Make arrangements for any interviews that may have to be conducted.
  - c. Prepare a memorandum of observations, evaluation and actions taken.
- 5. **SUPERIOR OFFICER RESPONSIBILITIES.** After being notified of possible misconduct involved in the use of force, the superior officer shall:
  - a. Conduct an investigation.
  - b. Officers suspected of misconduct shall be advised of rights described in DGO 2.08, Peace Officers' Rights, and be given the opportunity to have a representative present before any administrative interviews.
  - c. If a criminal investigator is assigned the case, the superior officer should confer with the investigator to coordinate the criminal and administrative interviews and Miranda warning.
  - d. Make the required notifications to O.C.C. if a citizen complaint is made (see DGO 2.04, Citizen Complaints Against Officers). Notify the officer's commanding officer when required (see DGO 1.06, Duties of Superior Officers).
  - e. Prepare a report containing results of investigation, preliminary findings, conclusions and recommendations if appropriate.

6. **RECORDING PROCEDURES/USE OF FORCE LOG/TRAINING DIVISION USE OF FORCE REPORT.** Every unit of the Department whose officers normally perform street duty (e.g., district stations, Narcotics, Vice Crimes, Traffic, Special Operations Division, etc.) shall maintain a Use of Force Log (SFPD 128). Other units (e.g., administrative, investigative, etc.) need not maintain a Use of Force Log; however, commanding officers of these units are responsible to ensure compliance with all other provisions of this order along with the following recording procedures:
- a. On each occasion that an officer reports the use of force in an incident report, he/she shall verbally notify the supervisor reviewing the report if different than the supervisor notified that the report contains reportable use of force. The supervisor reviewing this report shall ensure the necessary information is placed in the Use of Force Log. Two copies of the incident report shall be attached to the log.
  - b. On the 1st and 15th of each month, commanding officers shall sign the log and send it, along with one copy of each of the incident reports, to their respective deputy chief. The deputy chief will review the log and route it to the Management Control Division. Commanding officers shall forward a copy of the log and one copy of each incident report to the Commanding Officer of the Training Division.
  - c. The Commanding Officer of the Management Control Division will maintain controls that assure all unit logs are received and shall review completed forms to ascertain if any officer appears to be having problems with the use of force. If so, he/she shall notify the appropriate command personnel (also see DO 3.18, Performance Improvement Program and *Performance Improvement Program, A Supervisor's Guide*, DM-06).
  - d. The Commanding Officer of the Training Division will maintain controls that assure all unit logs and reports are received, and shall perform a non-punitive review of completed logs and incident reports to ascertain the number, types, proper application and effectiveness of uses of force reported by members of this Department. The information developed shall be used to identify training needs. The Commanding Officer of the Training Division shall report to the Chief of Police quarterly on the use of force by members of the Department.

**USE OF FIREARMS**

This order establishes policies and reporting procedures regarding the use of firearms.

**I. POLICY**

**A. GENERAL.** It is the policy of the San Francisco Police Department that officers exhaust all reasonable means of apprehension and control before resorting to the use of firearms. Officers, however, shall not unnecessarily or unreasonably endanger themselves in applying the policies and procedures contained in this order in actual situations.

**B. DRAWING FIREARMS**

1. **PUBLIC PLACES.** An officer shall not draw a firearm in any public place, except in the line of duty or for inspection by a superior.
2. **OFFICER/PUBLIC SAFETY.** Nothing in this policy shall prohibit the drawing or exhibiting of a firearm in the line of duty when an officer reasonably believes it necessary for his/her own safety or for the safety of others. Officers may also draw and be ready to use a firearm anytime they have reasonable cause to believe that they or another person may be in immediate danger of death or great bodily injury. Officers shall not cock their firearms in these instances.
3. **JUSTIFICATION.** Any officer drawing a weapon in public must be able to articulate the reasons consistent with this order and any other current order regarding the subject. Firearms shall not be displayed without justifiable cause.
4. **HOLSTERING WEAPONS.** When an officer determines that the danger is eliminated, the handgun shall be holstered or the shoulder weapon held in a port arms position away from the person. If the person is not arrested, the officer should tell the individual the reason the weapon was pointed at him/her if the circumstances permit.
5. **COCKING OF FIREARMS.** An officer shall not carry a firearm in the cocked position at any time.

**C. DISCHARGE OF FIREARMS**

- 1. REASONABLE METHODS OF APPREHENSION.** Officers shall not discharge a firearm in the performance of their duties except in the circumstances described below in Section I. C. 2., and only after all other reasonable methods and procedures of apprehension and control have failed. "Other reasonable methods and procedures of apprehension and control" shall be based upon the officer's capabilities at the time of the discharge, the nature and immediacy of the threat, the extent of the threat to innocent persons, the nature of the crime, and the suspect's reputation for violence.
- 2. PERMISSIBLE CIRCUMSTANCES.** Officers may discharge a firearm in any of the following circumstances:
  - a.** In the necessary defense of himself/herself when the officer has reasonable cause to believe that he/she is in imminent danger of death or serious bodily injury.
  - b.** In the necessary defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury.
  - c.** To make an arrest when:
    - (1)** The officer has reasonable cause to believe that the suspect has committed or attempted to commit a felony involving the use or threatened use of deadly force; and
    - (2)** The officer has reasonable cause to believe that a substantial risk exists that the person to be arrested will cause death or serious bodily injury if his/her apprehension is delayed; and
    - (3)** After all other reasonable means of apprehension and control have been exhausted.
  - d.** To kill a dangerous animal or one that is so badly injured that humanity requires its removal from further suffering, and where other alternatives are impractical.

- e. To give an alarm or to call for help for an urgent purpose when no other means can be used.
- 3. **VERBAL WARNING.** If feasible, and if to do so would not increase the danger to the officer or others, a verbal warning to submit to the authority of the officer shall be given prior to the use of deadly force.
- 4. **ENDANGERING THE PUBLIC/RECKLESS DISCHARGE.** Officers shall take extreme care when discharging their weapons so as not to endanger innocent persons or jeopardize property. The discharging of firearms in a reckless and irresponsible manner, or while under the influence of any substance likely to impair physical or mental processes, is prohibited and subject to disciplinary action by the Department, whether the incident occurs within or outside the City and County limits.
- 5. **PROHIBITED CIRCUMSTANCES.** Officers shall not discharge firearms under any of the following circumstances:
  - a. As a warning.
  - b. At or from a moving vehicle unless the circumstances come within the provisions as set forth in Section I., C., 2., a., b., c. of this order.
  - c. In misdemeanor cases, except if the circumstances come within the provisions as set forth in Section I., C., 2., a., b. of this order.
  - d. In circumstances that do not require police action.
  - e. At a moving vehicle with the intent to disable it.
- D. **REPORTING DISCHARGE OF FIREARMS** (also see DGO 8.11, Officer-Involved Shootings). Except while at an approved range, an officer who discharges a firearm, either on or off duty, shall report the incident according to the procedures in this order. This includes an intentional or accidental discharge, either within or outside the City and County of San Francisco.

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References

DGO 8.01, Critical Incident Notification  
DGO 8.04, Critical Incident Response Team  
DGO 8.11, Officer-Involved Shootings

**GENERAL ORDER**

09/21/05

**INVESTIGATION OF OFFICER INVOLVED SHOOTINGS AND  
DISCHARGES**

This order outlines the rules and procedures to be followed in the conduct of all officer-involved shooting and discharge investigations.

**I. POLICY**

It is the policy of the San Francisco Police Department to respond immediately and conduct a timely and complete investigation of all officer-involved shootings.

**II. PROCEDURES****A. DEFINITIONS:**

- Officer-involved shooting. An officer's discharge of a firearm that results in the physical injury or death of a person, even if it is an accidental discharge.
- Officer-involved discharge. An officer's discharge of a firearm that does not cause injury or death to a person. Shooting at, injuring, or killing animals also falls into this category, including accidental discharge without injury.

**B. INVESTIGATION PROTOCOL: Officer-involved shootings that result in injury or death are investigated in two distinctly separate venues:**

1. Criminal Investigations. Investigations to determine if there was criminal conduct on the part of the involved officer(s) are conducted separately by the Homicide Detail and the Office of the District Attorney.

*Officer-involved shootings occurring on San Francisco International Airport property or in San Mateo County shall be investigated by the San Mateo County Sheriff's Office in conjunction with the San Mateo County District Attorney's Office.*

2. Administrative Investigation. Investigations to determine if the officer-involved shooting was within Department policy are conducted separately by the Management Control Division and by the Office of Citizen Complaints if and when initiated by a citizen complaint.

*If the officer-involved shooting occurs on San Francisco International Airport property or on its surrounding areas, the Management Control Division shall contact the San Mateo County Sheriff's investigators and the San Mateo County District Attorney's Office investigators responsible for the criminal investigation and request copies of any reports those agencies have made that are relevant to the officer-involved shooting.*

C. OFFICER-INVOLVED SHOOTINGS OCCURRING WITHIN THE CITY AND COUNTY OF SAN FRANCISCO. As soon as practical after an officer-involved shooting occurring within the City and County of San Francisco, the following notifications shall be made:

1. If practical, the member(s) involved shall notify Emergency Communications Division (ECD), and his/her immediate supervisor, or the platoon commander of the district in which the shooting took place.
2. ECD shall immediately notify the Field Operations Bureau Headquarters (Operations Center after normal business hours).
3. The Field Operations Bureau or the Operations Center shall make the following notifications:
  - a. The on-call Homicide Inspectors
  - b. The Crisis Incident Response Team (Sec DGO 8.04, Crisis Incident Response Team)
  - c. Management Control Division
  - d. District Attorney's Office
  - e. The Commanding Officer of the member(s) involved
  - f. Chair of the Firearm Discharge Review Board
  - g. Office of Citizen Complaints
  - h. San Francisco Police Department Command Staff
  - i. Legal Division
  - j. Captain of Risk Management
  - k. Secretary of the Police Commission

D. OFFICER INVOLVED DISCHARGES. In cases where injury or death has not occurred, the Commanding Officer of the member involved is responsible for conducting a thorough shooting investigation, including accidental discharges. The Commanding Officer may delegate this investigation to another Commissioned Officer. The Commanding Officer, however, shall be responsible for the proper conduct of the investigation, and the appropriate findings and recommendation as documented in an investigative summary. The Commanding Officer's Bureau Chief shall set an appropriate due date for this investigation. However, this investigation shall not exceed 45 days. Officer involved discharges require the following notifications:

1. If practical, the member(s) involved shall contact the platoon commander of the district in which the discharge occurred.
2. The platoon commander shall contact the officer's Commanding Officer.
3. If outside San Francisco, as soon as practical, the officer shall contact that jurisdiction's Police or Sheriff's Department requesting that entity contact the San Francisco Police Department.
4. An officer who discharges a firearm in an Officer-Involved Discharge shall be assigned to his or her respective Bureau Headquarters. The officer shall not return to regular assignment for a minimum of 5 days or unless, upon recommendation of the member's Commanding Officer with the approval of his or her respective Bureau Chief, the Chief of Police determines the member may return to his/her assignment.

E. OFFICER-INVOLVED SHOOTINGS OR DISCHARGES OCCURRING OUTSIDE THE CITY AND COUNTY OF SAN FRANCISCO. If a member discharges a firearm outside the City and County of San Francisco (except at an approved range or during lawful recreational activities) either while on duty or off duty, he/she shall follow these procedures:

1. Absent exigent circumstances, remain at the scene of the discharge and notify the law enforcement agency.
2. Immediately contact the on duty supervisor in your unit or detail.
3. As soon as practical, the member shall contact the senior ranking member on duty in the Bureau to which he/she is assigned, or the Operations

Center after normal business hours, and report the incident. The senior-ranking member in the Bureau who is notified or the staff at the Operations Center shall notify the on-duty supervisor of the involved member. If the member's unit is closed, the notification shall be made to the Commanding Officer or Officer-in-Charge.

F. SCENE. The member who has discharged his/her weapon in an officer involved shooting should limit his/her investigation and activity to the following:

1. When officer safety permits: de-cock, holster, and strap in his/her firearm. He/she should not reload the weapon, or remove the magazine to examine its contents. Thereafter, he/she should not remove the weapon from the holster until directed to do so by the Homicide Detail. In cases involving shotguns and/or long rifles the weapon shall be placed on "safe" and isolated in a secure location.
  - a. Nothing in this order shall preclude a member from taking reasonable actions to provide/ensure officer and/or public safety.
2. As soon as practical, seek medical assistance/ treatment for injured persons.
3. As soon as practical, protect the crime scene and preserve all evidence. Prior to the arrival of the homicide detail investigators as provided under II.F.5., no person(s) should be permitted to enter the scene except to perform emergency medical assistance or assist in the preservation of the scene and evidence contained therein.
4. As soon as practical, attempt to obtain the name and address of any witness who may not remain at the scene.
5. When an officer-involved shooting occurs within the City and County of San Francisco, the crime scene(s) shall be under the control of the Homicide Detail upon the arrival of their investigators. No persons shall be permitted to enter the crime scene without the approval of the Homicide Inspector assigned the investigation or the Homicide OIC.
6. Nothing in this order shall prohibit a member from taking reasonable actions to ensure his/her safety or the safety of another person.

G. INVOLVED OFFICERS. The following actions will be taken in all cases of officer-involved shootings (resulting in injury or death):

1. All members shall be afforded all substantive and procedural rights and remedies as provided by applicable law, including without limitation thereto the Public Safety Officers' Bill of Rights.
2. When a supervisor arrives on the scene, the supervisor shall have the involved member(s) escorted from the scene. If more than one member is involved in the discharging of a firearm, absent exigent circumstances, the members shall be separated and will be kept separate from one another, and shall not discuss the incident with each other prior to being interviewed by the Homicide Detail Inspectors. If possible, the supervisor shall contact the investigator from the Homicide Detail and ascertain if the involved member is to be taken to the Homicide Detail, the Investigations Bureau, or the involved member's Station or Detail. In all circumstances the member shall be taken to a department facility.
3. Members of the department's C.I.R.T. program may assist the member(s) involved prior to their interview with investigators. However, they shall not discuss the facts or details of the shooting with the member.
4. Officers who discharge a firearm in an officer-involved shooting will be reassigned to his or her respective Bureau Headquarters. Officers shall not return to regular assignment for a minimum of 10 calendar days. This reassignment is administrative only and in no way shall be considered punitive.

Within 5 business days of an officer-involved shooting, the Chief of Police shall convene a panel to discuss whether it is appropriate for the involved member to return to duty. The Panel shall include a representative of the Behavioral Science Unit, the officer-in-charge of the Homicide Detail, the Deputy Chief, Commander, and Captain overseeing the involved officer's unit, the officer-in-charge of the Management Control Division, the Deputy Chief of Investigations and officer-in-charge of Risk Management.

The Chief, after consulting with the panel shall determine if the member should be returned to their regular field assignment, but only after completion of any mandatory debriefing (per DGO 8.04, Section 1.A), and any recommended retraining. This decision, including the factors supporting the decision, shall be contained in a written report that shall be forwarded immediately to the Police Commission. A copy of the report

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shall also be forwarded to the Director of the OCC. This report will be part of the officer's confidential personnel file and shall not be disclosed to any member of the public except by court order. The Police Commission shall, at the first Commission meeting following receipt of the report, meet in closed session with the Chief of Police to review the Chief's findings and decision. Officers shall not be returned to their regular duty until the Commission has met in closed session with the Chief of Police.

Any determination by the Chief not to return an officer to their regular assignment and to continue their reassignment is administrative only and in no way shall be considered punitive.

5. The officer shall receive a debriefing by the Crisis Incident Response Team and support as outlined in Section C., of Department General Order 8.04.

#### H. INVESTIGATIONS

1. Officer-involved shootings. The Homicide Detail and the Management Control Division shall respond immediately and conduct a timely investigation into every officer-involved shooting. These investigations shall utilize the same numbering system, and be consistent with each other, e.g., 03-01 (first O.I.S. of 2003), 03-02 (second O.I.S. of 2003) etc.
2. Officer-involved discharges. The Commanding Officer of the member involved shall contact the Management Control Division and obtain an O.I.D. number. The report prepared by the Commanding Officer of the member involved shall reflect the M.C.D. issued O.I.D. number. The final report submitted shall be routed through channels, to the Management Control Division for evaluation prior to review by the Chief of Police.

#### I. REVIEW OF INVESTIGATIONS

1. Officer-involved shootings.
  - a. Homicide Detail Investigation. The criminal investigation prepared by the Homicide Detail shall be completed and received by the Chair of the Firearm Discharge Review Board within forty-five-calendar days of the shooting event. If the criminal investigation report is not completed within forty-five calendar days of the shooting event, the Officer-in-charge of the Homicide Detail shall appear before the

Commission at the earliest possible meeting to explain why the report has not been completed.

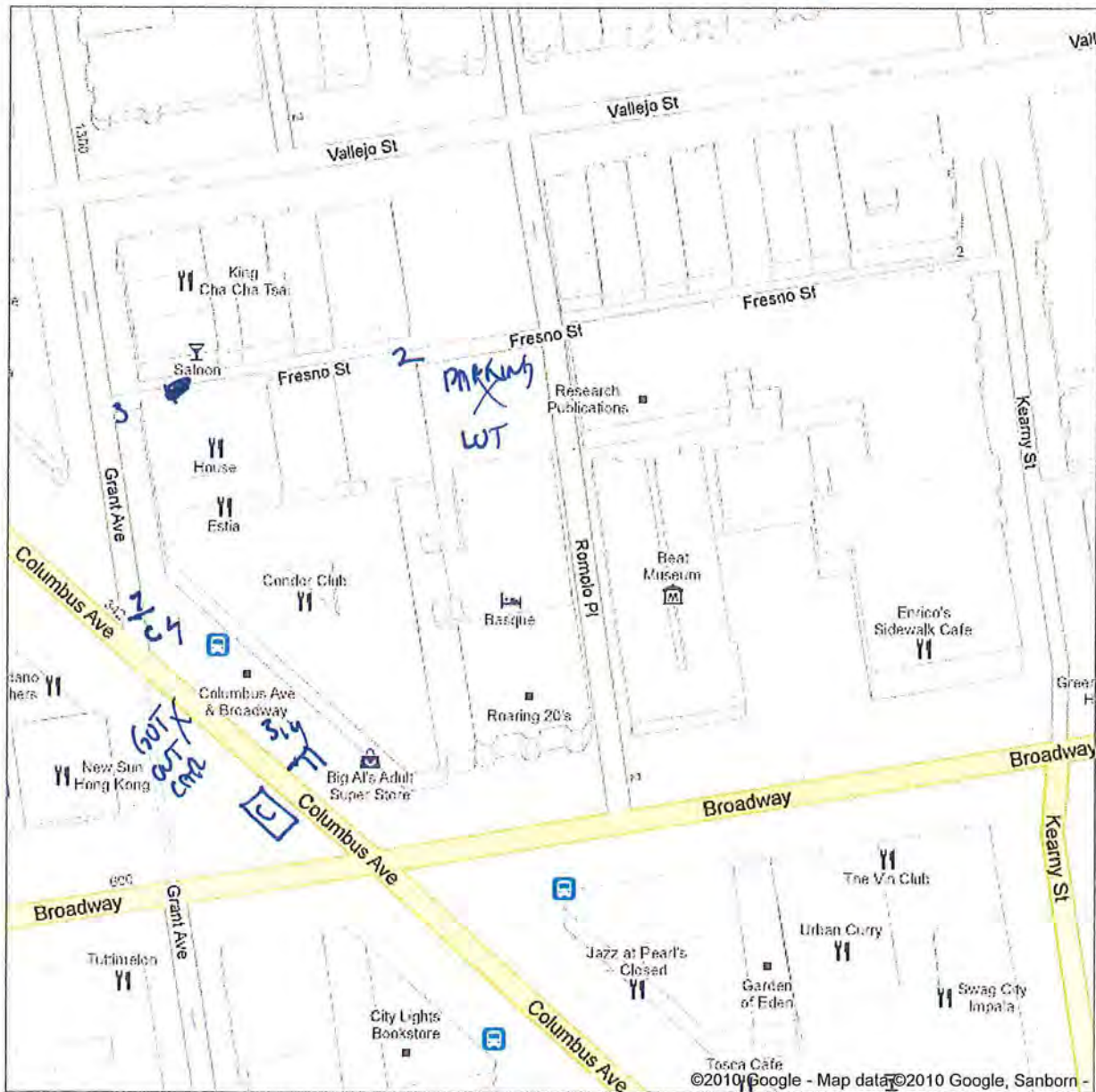
- b. Management Control Division Investigation. The administrative investigation prepared by the Management Control Division shall be completed and submitted to the Chair of the Firearm Discharge Review Board within sixty-calendar days of the shooting event. If the administrative investigation report is not completed within sixty-calendar days of the shooting event, the Officer-in-charge of the Management Control Division shall appear before the Commission at the earliest possible meeting to explain why the report has not been completed.
- c. The Firearm Discharge Review Board shall convene within thirty calendar days of receipt of the Management Control Division investigation report. Within 120 calendar days following the first meeting of the Firearm Discharge Review Board, the panel shall complete its investigation and issue its findings in accordance with Department General Order 3.10. If the Firearm Discharge Review Board report is not completed within the required 120 calendar days, a representative of the Firearms Discharge Review Board shall appear before the Commission at the earliest possible meeting to explain why the report has not been completed.



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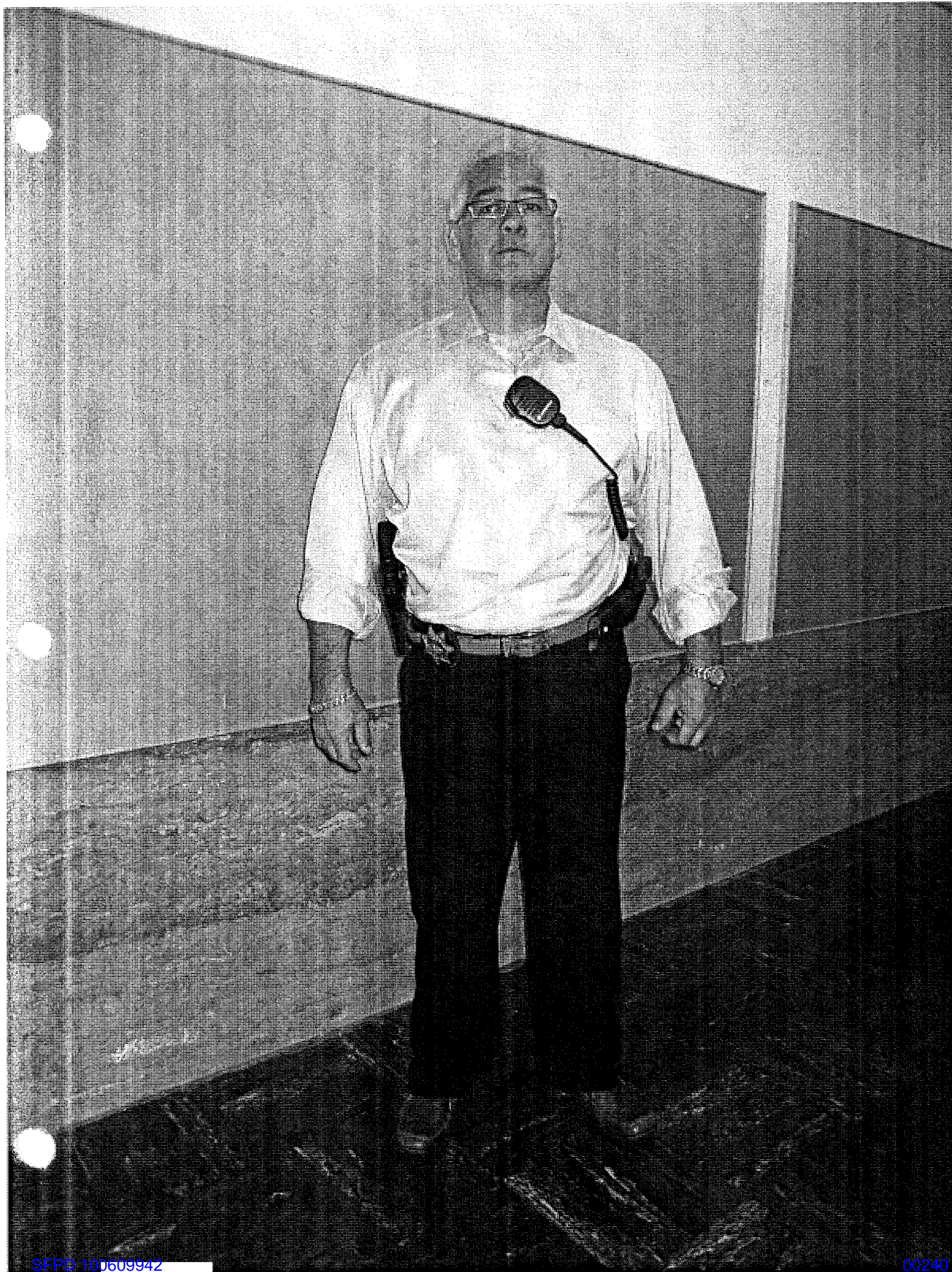
1 = NEWMAN / SUSPECT SHOOTING

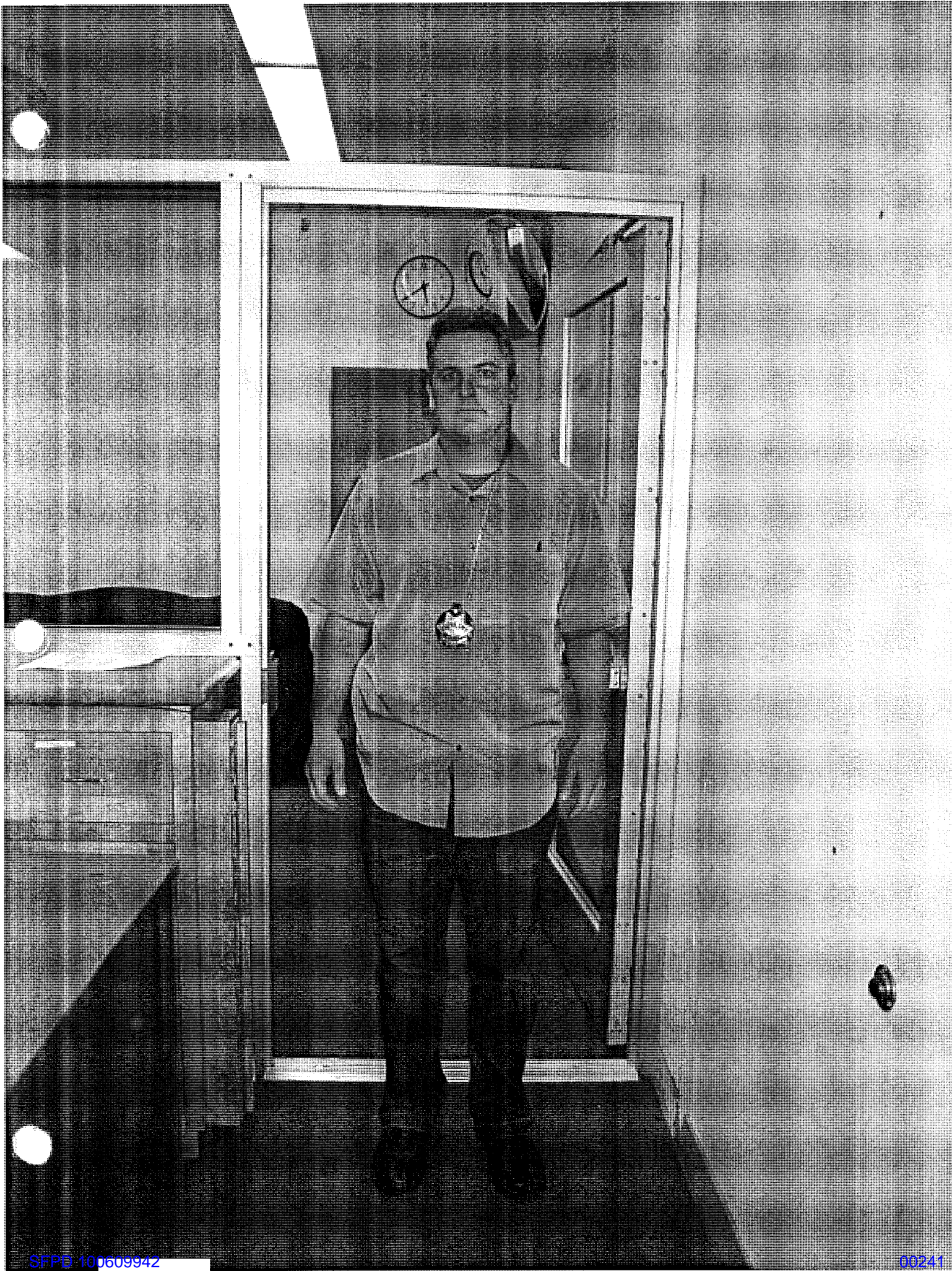
2 = NEWMAN FIRST SAW TWO SUSPECTS  
RUNNING

3 = GUN FOUND

4 = CASEING  
NEWMANJm SFPD  
7/3/2010

1750 HRS





1 INSPECTOR ENGLER: ...Using your Department-  
2 issue firearm. So, that's the purpose of this  
3 interview. Because you're a peace officer, you are  
4 afforded certain rights. You brought your Police  
5 Officer Association attorney, uh, for consultation.  
6 If at any point in time, uh, you feel the need to  
7 consult with your attorney, or uh, you would like  
8 to take a break, uh, please let us know.

9 INSPECTOR NEWMAN: Thank you.

10 INSPECTOR ENGLER: Otherwise our intention is  
11 to go through and just ask the questions like  
12 [unintelligible] investigation.

13 INSPECTOR NEWMAN: No problem.

14 INSPECTOR ENGLER: Okay. Do you have any  
15 questions?

16 INSPECTOR NEWMAN: I don't, no.

17 INSPECTOR ENGLER: All right. So are you  
18 prepared to be interviewed now?

19 INSPECTOR NEWMAN: I am.

20 INSPECTOR ENGLER: Okay. Yesterday's incident...  
21 were you injured in any way yourself?

22 INSPECTOR NEWMAN: No.

23 INSPECTOR ENGLER: Okay. And how long have you  
24 been in the San Francisco Police Department?

25 INSPECTOR NEWMAN: I entered the Police Academy

1 [REDACTED].

2 INSPECTOR ENGLER: Okay, and total years of  
3 law enforcement, uh...

4 INSPECTOR NEWMAN: Total years, just SFPD  
5 only.

6 INSPECTOR ENGLER: Okay.

7 INSPECTOR NEWMAN: Um, I believe 23, maybe 23  
8 and a half years, at this present time.

9 INSPECTOR ENGLER: Okay. And at the time, uh,  
10 of last night's incident, were you in uniform or  
11 were you in plain clothes?

12 INSPECTOR NEWMAN: No. I'm assigned plain  
13 clothes.

14 INSPECTOR ENGLER: Okay. So you were in plain  
15 clothes last night?

16 INSPECTOR NEWMAN: Yes, I was.

17 INSPECTOR ENGLER: Okay. And, um, what other  
18 options were available to you in the car as far as  
19 force? Were there, uh, other than, uh, Department-  
20 issue firearm, or is it just your standard patrol?

21 INSPECTOR NEWMAN: Just standard patrol.

22 INSPECTOR ENGLER: Okay.

23 POA ATTORNEY: Do you want... do you want him to  
24 just tell you what equipment he had as a plain  
25 clothes officer?

1 INSPECTOR ENGLER: Yeah, I guess that's... I  
2 guess that's my question.

3 INSPECTOR NEWMAN: Well, my attire is that I  
4 usually wear a suit and tie. However, last night I  
5 did have a formal, um, dress shirt on such as  
6 yourself and Inspector Pierucchi, and the  
7 representative from the DA's office. I had a, um,  
8 slacks on...

9 INSPECTOR ENGLER: Mm-hmm.

10 INSPECTOR NEWMAN: And uh, you know, some  
11 brown-type dress shoes.

12 INSPECTOR ENGLER: Mm-hmm.

13 INSPECTOR NEWMAN: Um, I did not have my sport  
14 coat on. And I had my Department-issued firearm. I  
15 had my Police Inspector ID in front of my firearm.  
16 On my left side I had an extra magazine. And I had  
17 my handcuffs. And, that's what I had at that time.

18 INSPECTOR ENGLER: Okay.

19 POA ATTORNEY: Can I clarify that? So when you  
20 say your "Police ID," that's your actual  
21 Inspector's badge, which is a gold shield?

22 INSPECTOR NEWMAN: Yes, sir.

23 POA ATTORNEY: Okay. And that was visible on  
24 your belt, right?

25 INSPECTOR NEWMAN: Yes it was.

1 POA ATTORNEY: And the firearm was on your  
2 belt.

3 INSPECTOR NEWMAN: Yes, sir.

4 POA ATTORNEY: And your firearm was on the  
5 right side?

6 INSPECTOR NEWMAN: Firearm was on the right  
7 side.

8 POA ATTORNEY: And on the left side is a spare  
9 magazine and handcuffs?

10 INSPECTOR NEWMAN: Yes, sir.

11 INSPECTOR ENGLER: Okay. All right, what, what  
12 I was, I probably, I probably was probably awkward  
13 in the question. What I was trying to establish was  
14 that you were working in uh...

15 POA ATTORNEY: Not in uniform.

16 INSPECTOR ENGLER: Not in uniform, and the  
17 equipment you had was consistent with your duties  
18 last night.

19 INSPECTOR NEWMAN: Yes, sir.

20 INSPECTOR ENGLER: Okay. So, why don't we do  
21 this? We've got initial information... officer safety  
22 information we got from the scene. But we haven't  
23 taken a formal interview from you. Is that correct?

24 INSPECTOR NEWMAN: That's correct.

25 INSPECTOR ENGLER: Has anyone taken any formal

1 statement from you?

2 INSPECTOR NEWMAN: No.

3 INSPECTOR ENGLER: Okay. So what I would like  
4 to do at this time is... what was your shift last...  
5 uh, just go through last night's event. So, what  
6 was your shift work last night?

7 INSPECTOR NEWMAN: Again, assigned to the CIU  
8 Unit, the Criminal Investigations Unit. I'd been  
9 assigned to the 7:00 at night, 1700 to 0-5 in the  
10 morning shift, um, citywide. My primary duties,  
11 responsibilities, in that capacity, is to handle  
12 all major crimes and to assist the CIT Team station  
13 inspectors. Um, that would be... incidents that would  
14 be shootings. Would also assist Homicide in their  
15 shootings. Any sort of gang incident, stabbings,  
16 anything with multiple victims, uh, great bodily  
17 injury, assaults, anything of that nature:

18 INSPECTOR ENGLER: Okay. So on, actually  
19 today's date, July 3, 2010, at or about 1:30 in the  
20 morning, were you in the North Beach area of San  
21 Francisco?

22 INSPECTOR NEWMAN: Yes.

23 INSPECTOR ENGLER: Okay. And who were you  
24 with?

25 INSPECTOR NEWMAN: I was with my partner, Jon

1 Kasper, also assigned CIU Unit.

2 INSPECTOR ENGLER: Okay. And...

3 INSPECTOR NEWMAN: Sergeant Jon Kasper.

4 INSPECTOR ENGLER: Sergeant Jon Kasper of the  
5 CIU Unit. Was Sergeant Kasper driving the vehicle  
6 or were you driving the vehicle?

7 INSPECTOR NEWMAN: Sergeant Kasper was. I was  
8 the passenger.

9 INSPECTOR ENGLER: Okay. And at the time you  
10 were in a vehicle, was that a Police Department  
11 vehicle you were in?

12 INSPECTOR NEWMAN: Yes.

13 INSPECTOR ENGLER: Okay. And was that vehicle  
14 in the area of Columbus and Broadway?

15 INSPECTOR NEWMAN: Yes.

16 INSPECTOR ENGLER: Okay. Would you, could you  
17 tell me where you were when the incident occurred  
18 last night?

19 INSPECTOR NEWMAN: Absolutely, no problem. Uh,  
20 Jon was driving, um, I didn't realize that he was  
21 going to take a right turn. We were on Broadway  
22 Street...

23 INSPECTOR ENGLER: Mm-hmm.

24 INSPECTOR NEWMAN: ...Just past Romolo. He got  
25 into the right turn only, to go onto Columbus. I

1 was the passenger, I had my window down. As we got  
2 onto the 300 block of Columbus, my attention was  
3 drawn to a large group of individuals. Uh, probably  
4 20, 25, maybe 30 at max, or maybe I'm a little  
5 unclear on the number, but they were a large group  
6 of people. I could tell that there was an issue. I  
7 could see some people running around. I saw two  
8 [REDACTED] run into a strip joint, right  
9 next door to a burrito shop. I think it might be in  
10 the area of [REDACTED], uh, Columbus. I then... my attention  
11 was then drawn to one specific person. I saw a  
12 [REDACTED] wearing a blue coat, take off [REDACTED] coat,  
13 and I believe [REDACTED] had on a tank top, a white tank  
14 top. And, to me that looked like they were getting  
15 ready to fight. It, it, it... [REDACTED] was yelling and  
16 screaming. And then...

17 INSPECTOR ENGLER: Before we get too far, this  
18 group that you're looking at...

19 INSPECTOR NEWMAN: Yes.

20 INSPECTOR ENGLER: Was there, was there...  
21 Columbus and Broadway on a, you know, at 1:30 in  
22 the morning could be a busy area. Was there, was  
23 there one... could you describe the group? Did the  
24 group look like it was together? Did it look like  
25 it was...

1 INSPECTOR NEWMAN: Well, the group looked like  
2 they may have ran into uh... you know they were  
3 young, kind of uh, uh, age group of maybe 20 to  
4 maybe 28-30 years old at max. Um, they dressed as  
5 if they had gang affiliation-type clothing.

6 INSPECTOR ENGLER: What kind of clothing was  
7 that?

8 INSPECTOR NEWMAN: Well, there was people  
9 wearing red sweatshirts. There were blue  
10 sweatshirts. I believe there were people wearing  
11 red baseball hats. You know, from my training  
12 experience as a police officer these are clothings  
13 that can be consistent with members of certain  
14 gangs in the city.

15 INSPECTOR ENGLER: Okay. Would these  
16 observations... you said earlier your attention was  
17 drawn to this crowd, uh, were these obser... did  
18 these observations play into your attention being  
19 drawn to that specific a group?

20 INSPECTOR NEWMAN: Yes.

21 INSPECTOR ENGLER: Okay.

22 INSPECTOR NEWMAN: Yes.

23 INSPECTOR ENGLER: All right.

24 INSPECTOR NEWMAN: Based on the fact that, uh,  
25 you know... if I can kind of layout... when we got onto

1 Columbus...

2 INSPECTOR ENGLER: Mm-hmm.

3 INSPECTOR NEWMAN: ...Going Columbus towards  
4 Vallejo Street, where it turns right off into upper  
5 Grant...

6 INSPECTOR ENGLER: Mm-hmm.

7 INSPECTOR NEWMAN: ...Let's call that  
8 northbound. Okay. That would be fair to say  
9 northbound. So, one person, particular, who I saw  
10 draw a firearm, wearing a red hat... [REDACTED] was... [REDACTED] back  
11 was to the north. So [REDACTED] was facing Colum... [REDACTED] was  
12 facing Broadway Street. Okay?

13 INSPECTOR ENGLER: Okay.

14 INSPECTOR NEWMAN: At that time, it happened  
15 so quick, you know, I can see this person, I'm  
16 hearing shots, and I'm not believing what the hell  
17 I'm seeing. And I see this person indiscriminately  
18 just shooting at... in the direction of the [REDACTED]  
19 [REDACTED] that I saw that took off [REDACTED] coat who was  
20 facing [REDACTED] So we had two groups kind of facing  
21 each other. Okay? I saw multiple people drop. I  
22 saw, you know, this person with the handgun still  
23 in [REDACTED] hand start to turn around and went towards  
24 Grant Street.

25 INSPECTOR ENGLER: Okay. So when you say that,